

**M. Pearson
CLERK TO THE AUTHORITY**

**To: The Members of the
Human Resources Management and
Development Committee
(see below)**

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HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT COMMITTEE
(Devon and Somerset Fire and Rescue Authority)

Thursday 17 June 2010

A meeting of the Human Resources Management and Development Committee will be held on the above date, **commencing at 10:00 hours in Conference Room B in Somerset House, Service Headquarters** to consider the following matters.

M. Pearson
Clerk to the Authority

AGENDA

1. **Election of Chair**
2. **Apologies**
3. **Minutes** of the meeting held on 14 April 2010 attached (Page 1).
4. **Items Requiring Urgent Attention**

Items which, in the opinion of the Chair, should be considered at the meeting as matters of urgency.

5. **Declarations of Interest**

Members are asked to consider whether they have any **personal/personal and prejudicial interests** in items as set out on the agenda for this meeting and declare any such interests at this time. *Please refer to the Note 2 at the end of this agenda for guidance on interests.*

PART 1 – OPEN COMMITTEE

6. **Election of Vice Chair**

7. **Absence Management**

Report of the Director of People and Organisational Development (HRMDC/10/10) attached (page 5).

8. **Staff Survey**

The Director of People and Organisational Development will give an oral update at the meeting in respect of the progress made to date with the Staff Survey in 2010.

9. **The Working Time Directive and Proposed Changes to Legislation**

Report of the Director of People and Organisational Development (HRMDC/10/11) attached (page 13).

10. **Goal 2 Corporate Plan Targets**

The Deputy Chief Fire Officer will give an overview at the meeting in respect of the performance of the Service in 2009/10 as measured against the targets for Goal 2 of the Corporate Plan.

11. **Health of the Organisation**

Report of the Director of People and Organisational Development (HRMD/10/12) attached (page 27).

12. **Achieving Excellence against the Equality Framework**

The Authority has previously been informed that the Service is committed to a number of initiatives to seek to achieve excellence across the board in its performance. As part of this, the Service has recently undertaken a self assessment against the Equality Framework for Fire and Rescue Services. The Director of People and Organisational Development will give a presentation at the meeting

13. **Member Champion for Equality and Diversity - Role Profile**

Report of the Director of People and Organisational Development (HRMD/10/13) attached (page 32).

14. **Determination of Membership of the Firefighters' Pension Scheme Internal Dispute Resolution Procedure Stage 2 Panel**

At its extraordinary meeting on 25 March 2010, the Authority approved revisions to this Committee's Terms of Reference to enable it to establish a small panel of Members to determine issues under the Firefighters' Pension Scheme Internal Dispute Resolution Procedures Stage 2. In view of the need to deal with one outstanding case as a matter of urgency, appointments to the Panel were initially made by the Authority but were subsequently reviewed by this Committee at its previous meeting.

Since that time, the membership of this Committee has changed (upon the resignation of Councillor Wallace) and consequently, the Committee is recommended to appoint (from amongst its membership) 3 members to serve on the Panel until the first meeting of the Committee following the Annual Meeting of the Authority in 2011.

**PART 2 – ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS
AND PUBLIC**

Nil

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership:-

Councillors Bown, Boyd, Burrige-Clayton, Cann, Manning, Mrs. Nicholson, Turner

Substitute Members

Members are reminded that, in accordance with Standing Order 36, the Clerk (or his representative) MUST be advised of any substitution prior to the start of the meeting.

NOTES

1. ACCESS TO INFORMATION

Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Sam Sharman on the telephone number shown at the top of this agenda.

2. DECLARATIONS OF INTERESTS BY MEMBERS

What Interests do I need to declare in a meeting?

As a first step you need to declare any personal interests you have in a matter. You will then need to decide if you have a prejudicial interest in a matter.

What is a personal interest?

You have a personal interest in a matter if it relates to any interests which you must register, as defined in Paragraph 8(1) of the Code.

You also have a personal interest in any matter likely to affect the well-being or financial position of:-

- (a) you, members of your family, or people with whom you have a close association;
- (b) any person/body who employs/has employed the persons referred to in (a) above, or any firm in which they are a partner or company of which they are a director;
- (c) any person/body in whom the persons referred to in (a) above have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of which you are a Member or in a position of general control or management and which:-
 - you have been appointed or nominated to by the Authority; or
 - exercises functions of a public nature (e.g. a constituent authority; a Police Authority); or
 - is directed to charitable purposes; or
 - one of the principal purposes includes the influence of public opinion or policy (including any political party or trade union)

more than it would affect **the majority** of other people in the Authority's area.

Anything that could affect the quality of your life (or that of those persons/bodies listed in (b) to (d) above) either positively or negatively, is likely to affect your/their "well being". If you (or any of those persons/bodies listed in (b) to (d) above) have the potential to gain or lose from a matter under consideration – to a **greater extent** than **the majority** of other people in the Authority's area - you should declare a personal interest.

What do I need to do if I have a personal interest in a matter?

Where you are aware of, **or ought reasonably to be aware of**, a personal interest in a matter you must declare it when you get to the item headed "Declarations of Interest" on the agenda, or otherwise as soon as the personal interest becomes apparent to you, **UNLESS** the matter relates to or is likely to affect:-

- (a) any other body to which you were appointed or nominated by the Authority; or
- (b) any other body exercising functions of a public nature (e.g. membership of a constituent authority; other Authority such as a Police Authority);

of which you are a Member or in a position of general control or management. In such cases, provided you do not have a prejudicial interest, you need only declare your personal interest if and when you speak on the matter.

Can I stay in a meeting if I have a personal interest?

You can still take part in the meeting and vote on the matter unless your personal interest is also a prejudicial interest.

What is a prejudicial interest?

Your personal interest will also be a **prejudicial** interest if **all** of the following conditions are met:-

- (a) the matter is not covered by one of the following exemptions to prejudicial interests in relation to the following functions of the Authority:-
 - statutory sick pay (if you are receiving or entitled to this);
 - an allowance, payment or indemnity for members;
 - any ceremonial honour given to members;

- setting council tax or a precept; **AND**
- (b) the matter affects your financial position (or that of any of the persons/bodies as described in Paragraph 8 of the Code) or concerns a regulatory/licensing matter relating to you or any of the persons/bodies as described in Paragraph 8 of the Code); **AND**
- (c) a member of the public who knows the relevant facts would reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest in a matter being discussed at a meeting, you must declare that you have a prejudicial interest (and the nature of that interest) as soon as it becomes apparent to you. You should then leave the room unless members of the public are allowed to make representations, give evidence or answer questions about the matter by statutory right or otherwise. If that is the case, you can also attend the meeting for that purpose.

You must, however, leave the room **immediately after you have finished speaking (or sooner if the meeting so decides)** and you cannot remain in the public gallery to observe the vote on the matter. Additionally, you must not seek to **improperly influence** a decision in which you have a prejudicial interest.

What do I do if I require further guidance or clarification on declarations of interest?

If you feel you may have an interest in a matter that will need to be declared but require further guidance on this, please contact the Clerk to the Authority – preferably before the date of the meeting at which you may need to declare the interest. Similarly, please contact the Clerk if you require guidance/advice on any other aspect of the Code of Conduct.

HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT COMMITTEE
(Devon and Somerset Fire and Rescue Authority)

14 April 2010

Present:-

Councillors Boyd, Burridge-Clayton, Cann, Manning, Mrs. Nicholson and Wallace (Chairman).

Apologies:-

Councillor Turner

***HRMDC/17. Minutes**

RESOLVED that the Minutes of the previous meeting of the Committee held on 14 January 2010 be signed as a correct record.

***HRMDC/18. Determination of Substantive Membership of the Firefighters' Pension Scheme Internal Dispute Resolution Procedure Stage 2 Panel**

(An item taken in accordance with Section 100B(4) of the Local Government Act 1972).

The Chairman determined that this item should be considered as a matter of urgency to enable the Committee to consider the substantive membership of the Panel without delay in the event that a further appeal under the Internal Dispute Resolution Procedures should be submitted to the Authority.

The Clerk advised that membership of the Panel should be taken from the Human Resources Management and Development Committee although he suggested that provision should be made for substitutions in accordance with Standing Orders.

Councillor Burridge-Clayton proposed (and was seconded by Councillor Boyd):

“that the membership of the Firefighters' Pension Scheme Internal Dispute Resolution Procedure Stage 2 Panel should comprise of Councillors Wallace (Chair), Boyd and Manning and that substitutes (in accordance with Standing Order 36) should be taken from the membership of the Human Resources Management and Development Committee in the first instance.

The motion was carried unanimously.

RESOLVED that the membership of the Firefighters' Pension Scheme Internal Dispute Resolution Procedure Stage 2 Panel should comprise of Councillors Wallace (Chair), Boyd and Manning and that substitutes (in accordance with Standing Order 36) should be taken from the membership of the Human Resources Management and Development Committee in the first instance.

***HRMDC/19. Declarations of Interest**

Members of the Committee were asked to consider whether they had any personal/personal and prejudicial interests in items as set out on the agenda for this meeting and to declare any such interests at this time.

No interests were declared.

***HRMDC/20. Staff Survey**

The Committee considered a report of the Director of People and Organisational Development (HRMDC/10/6) that gave an update in respect of the progress made against the programme of activities identified as a result of the Staff Survey undertaken in 2008. The report also set out details of the methodology, communications plan and timetable for the Staff Survey in 2010.

Reference was made to the results of the Staff Survey undertaken in 2008 and how the improvements identified as a result of this exercise had been incorporated within the Corporate and Service Plans. It was noted that, since publication of the Staff Survey in 2010, there had been a 35% response rate, which was a better return than in 2008 already. The results would be compared with the 2008 survey and additionally, with work that had been undertaken on a recent survey with retained duty system staff and their partners.

RESOLVED

- (a) that the Member Champion for Equality and Diversity continue to be part of the Project Steering Group for the outcome of staff survey(s);
- (b) that the Committee continue to oversee the progress of actions identified in the staff survey(s), and;
- (c) that, subject to (a) and (b) above, the report be noted.

***HRMDC/21. Update on Positive Action Strategy**

The Committee received for information a presentation given by the Director of People and Organisational Development. The presentation covered the work that had been undertaken on both the Positive Action Strategy and "Considering Needs" and briefing notes were circulated to the Committee at the meeting for information. In addition a copy of a new information video entitled "All Fired Up" was shown at the meeting. This had been instigated to encourage people to apply to join the Service, the cost of which had been funded from within the resources provided by the Government to support work undertaken on the "stretch" recruitment targets.

***HRMDC/22. The European Community (EC) Drivers' Hours and Tachograph Rules for Goods Vehicles (Regulation 561/2006)**

The Committee considered a report of the Director of Service Delivery (HRMDC/10/7) that set out details of the implication of the EC Drivers Hours and Tachograph Rules for Goods Vehicles Regulations (561/2006) which limited driving time and ensured that proper break and rest periods were taken in order to prevent road traffic collisions. Reference was also made to the impact of these Regulations on all employees who drive an "in scope" vehicle either for the Fire and Rescue Service or in other employment or voluntary work.

The Director of Service Delivery informed the Committee of the work that had been undertaken to date to minimise the impact of these Regulations on both staff and the Service. He added that there was now less than 10 staff affected; a position which had been achieved through a combination of working closely with the employers of the staff concerned together with a pragmatic approach in respect of the interpretation of the “rest” requirements. This approach had been adopted on a national basis as best practice. It was noted, in addition, that the new Gartan availability system currently being piloted by the Service would assist staff in this regard as it would enable the accurate recording of working hours which could be accessed as evidence if required.

Reference was made to the associated Working Time Directive and it was noted that the Department for Communities and Local Government (CLG) was looking into this. The Chief Fire Officer commented that this was also being pursued through the Chief Fire Officers’ Association (CFOA) and through the National Retained Duty System (RDS) Working Group. He circulated a copy of the first stage of the consultation on the Working Time Directive for information and indicated that the Service would be submitting a response which would be circulated to the Chair of the Committee for comments prior to submission to the European Commission. A copy of the response would be submitted to the next meeting for information.

RESOLVED

- (a) that the management actions to limit the impact on employees of Devon and Somerset Fire and Rescue Service the impact of the above Regulations be endorsed, and;
- (b) that, subject to (a) above, the report be received and noted.

***HRMDC/23. Absence Management**

The Committee received for information a report of the Director of People and Organisational Development (HRMDC/10/8) that set out the progress that had been made to date with absence management and which highlighted the service performance in respect of both short and long term absence.

The corporate target for sickness absence was “to reduce the levels of sickness absence to the regional average of 9.0 days/shifts lost per person by 2010/11”. The target for 2009/10 was 9.6 days/shifts lost per person and the actual performance to February 2010 was 7.23 days. This represented an improvement in performance of 18.8% to date although the year end figures were not available as yet. Reference was made to the ongoing work being undertaken to reduce the levels of sickness, including return to work interviews, sickness panels and interventions such as Occupational Health referrals and mediation.

The Director of People and Organisations reported that the new Performance Development Review (PDR) process was to be launched in April 2010 and that this would also assist with the work being undertaken to reduce sickness absence.

***HRMDC/24. Exclusion of the Press and Public**

RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A of the Local Government Act 1972, namely information relating to consultations on labour relations matters between the Authority and its employees.

***HRMDC/25. Update On Establishment**

(An item taken in accordance with Section 100A(4) of the Local Government Act 1972 during consideration of which the press and public were excluded from the meeting).

The Committee received for information a report of the Director of People and Organisational Development (HRMDC/10/9) that gave an update on the position regarding establishment levels and which set out the approach to managing potential vacancies arising in the future in the light of the work being undertaken on the Service Reviews.

*** DENOTES DELEGATED MATTER WITH POWER TO ACT**

The meeting started at 10.00hours and finished at 11.38 hours

DEVON & SOMERSET FIRE & RESCUE AUTHORITY



REPORT REFERENCE NO.	HRMDC/10/10
MEETING	HUMAN RESOURCES MANAGEMENT & DEVELOPMENT COMMITTEE
DATE OF MEETING	17 JUNE 2010
SUBJECT OF REPORT	ABSENCE MANAGEMENT
LEAD OFFICER	Director of People and Organisational Development
RECOMMENDATIONS	<i>That the report be noted.</i>
EXECUTIVE SUMMARY	The progress with Absence Management has been included as a standing item within the HRMD agenda. This report includes an update of the Service performance for absence levels and also the long term absence levels.
RESOURCE IMPLICATIONS	There are ongoing resource implications in relation to absence management in terms of providing cover when required.
EQUALITY IMPACT ASSESSMENT	The Absence Management policy has had an equality impact assessment.
FINANCIAL IMPLICATIONS	
APPENDICES	None
LIST OF BACKGROUND PAPERS	

1. **INTRODUCTION**

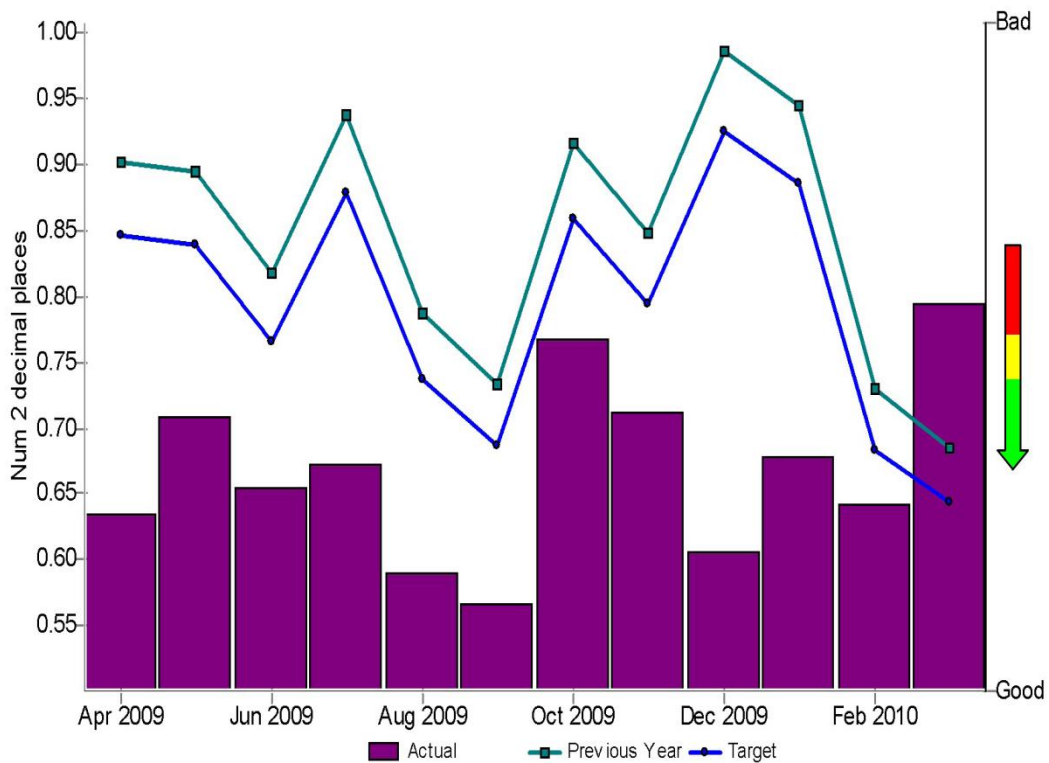
1.1 Absence levels have previously been identified as a key measure that the HRMD Committee will monitor and review as a standing item. The overall performance in 2010/11 was better than our target level of 9.55 days per person in 2009/10 and an overall level of 8.02 days was achieved. The target for 2010/11 is an average rate of 9.0 days/shifts lost per person.

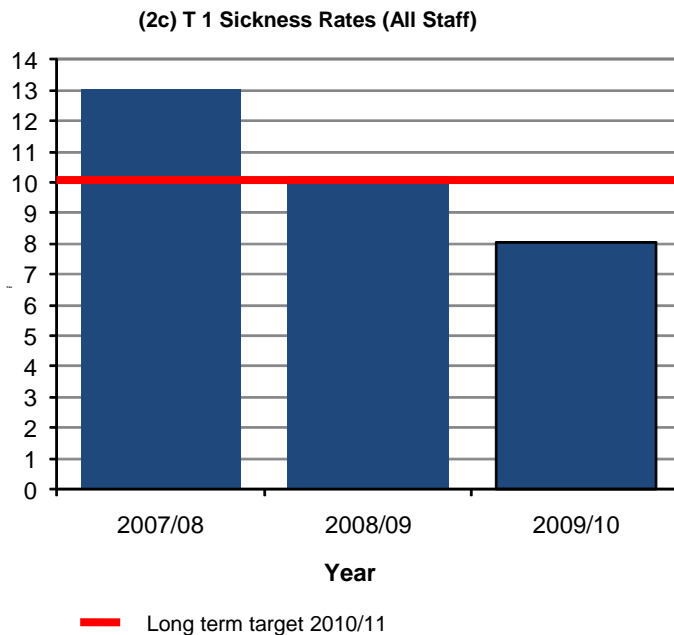
2. **2009/10 PERFORMANCE**

2.1 Sickness rates have decreased from 10.18 days lost per person in 2008/09 to 8.02 days lost per person in 2009/10, a decrease of 21.2%. The decrease has meant that we have not only achieved the target for the year of 9.55 days lost per person, but have also achieved the long term target a year early to reduce to the regional average rate of 9.0 shifts lost per person by 2010/11.

2.2 Sickness rates were particularly low for the first six months of the year and increased as per seasonal trend in October and November. However December and January dropped back to the previously seen low rate. March is the only month showing an increase on the previous year, however, with low rates across the year the annual figure is much lower than both the previous year and target.

Sickness Rates (All Staff) By Month





2.3 In considering the reasons for sickness, there are categories of sickness identified by the CLG that we report on annually. These categories include Mental Health, Musculoskeletal, Senses, Respiratory, Various and Other with the sickness types within each of these as defined by CLG:

Mental Health - includes post traumatic stress reaction, stress, anxiety, depression, chronic fatigue syndrome.

Musculoskeletal - includes problems with neck, shoulders, back, knee, upper and lower limbs.

Various - includes cancer, neurological problems, sickness/diarrhoea, headaches, dermatological problems, pregnancy related.

Senses - includes vision and hearing problems.

Respiratory – includes asthma and chest infections.

Cardiovascular – includes angina, hypertension and other cardiovascular.

Other – includes cold, flu, dental etc.

None – includes unknown or anything that is none of the above.

2.4 The table over the page shows a breakdown of reasons for sickness absence in 2009/10. The previous year's figures are also shown to compare changes in types of sickness. This comparison also helps identify the types of sickness that are more likely to become long term. The biggest reduction can be seen in Mental Health sickness, which has decreased by 53%, a reduction from 2416 sick days in 2008/09 to 1143 sick days in 2009/10. Mental Health sickness tends to become long term and so it is good to see that not only has the number of times someone is off with mental health sickness reduced from 74 to 58 instances in 2009/10 but also staff are returning to work quicker.

In 2008/09 the average mental health sickness absence lost 32.6 shift days; however in 2009/10 this has reduced to only 19.7 shift days.

Type of sickness	% of all sickness		shifts/days lost		Occurrences		Avg days per absence	
	2008/09	2009/10	2008/09	2009/10	2008/09	2009/10	2008/09	2009/10
Musculoskeletal	37%	41%	3807	3221	387	318	9.8	10.1
Various	13%	17%	1317	1361	420	379	3.1	3.6
Cold/Flu etc	11%	15%	1155	1217	430	424	2.7	2.9
Mental Health	24%	14%	2416	1143	74	58	32.6	19.7
Respiratory	4%	3%	449	205	78	54	5.8	3.8
Senses	1%	2%	144	164	37	38	3.9	4.3
Cardiovascular	2%	2%	230	122	13	7	17.7	17.4
None	6%	6%	637	462	99	85	6.4	5.4

2.5 Whilst this reduction cannot be attributed to a single Service intervention it would suggest that the overall improvements and focus that the Service has made in welfare are starting to produce direct results. The proactive work in this area has included:

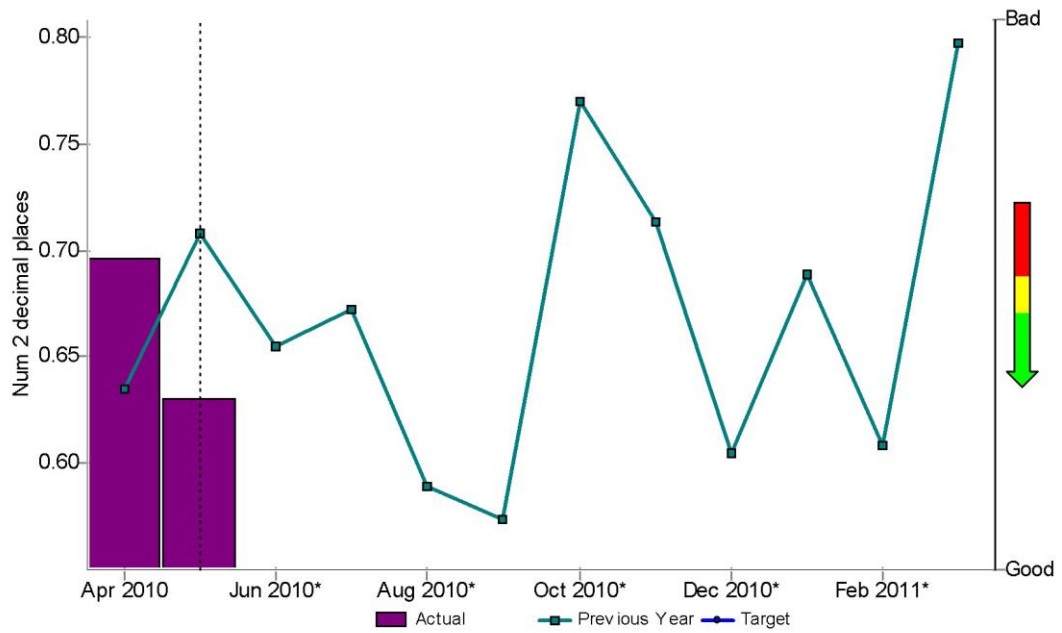
- The development and introduction of new policies covering Sickness Absence, Welfare, Managing Stress and Bullying and Harassment in the workplace.
- The Staff Supporters network has been re-launched and underpinned by professional training.
- We now have a new external mediation service.
- The terms of reference of the Joint Safety Committee are more holistic to also cover the health of the organisation.
- A new internal group has been formed called well@work who have created innovative approaches to worklife balance including a promotional day. Other health & welfare promotions also take place throughout the year.
- Aspects of workplace concern have also been resolved such as with the completion of Job Evaluation.

3. 2010/11 PERFORMANCE

3.1 The last month of 2010/11 saw a spike in absence levels. Since then the absence levels have dropped back to a level more consistent with this time of year and have dropped further in June.

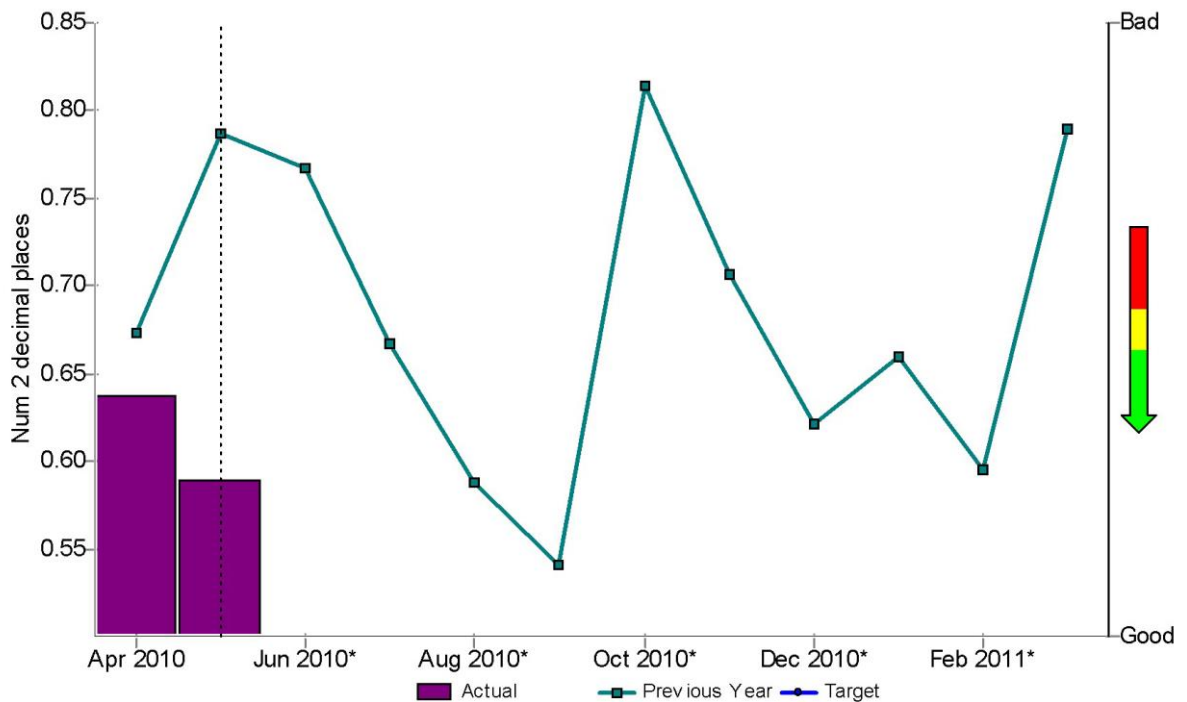
All Staff Sickness Rates by Month 2010/11

	Actual 09/10	Previous Year 09/10	% variance on previous year
Apr-10	0.70	0.64	9.6%
May-10	0.63	0.71	-10.9%
YTD	1.33	1.34	-1.3%



3.2 As usual, we can then break down the figures by staff category and the rates for uniformed, control and non-uniformed are shown below:

Uniformed Staff Sickness Rates by Month 2010/11



Non-uniformed Staff Sickness Rates by Month 2010/11



Control Staff Sickness Rates by Month 2010/11



4. **DETAILED BREAKDOWN OF LONG TERM SICKNESS**

The monitoring of long term sickness i.e. those over 28 days is reported on a monthly basis and includes those who are long term sick and those on restricted duties. The number of long term sick since 2008 is shown below. These are also shown graphically with trendlines. Both uniformed (Wholetime and Control) and non-uniformed show a downwards trend whilst the Retained Duty System has been on the increase. Overall the trend is level.

2008

Number of staff	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Uniformed	31	27	28	23	23	19	19	20	23	17	20	18
Retained	16	14	17	10	10	8	10	8	9	12	14	20
Non-uniformed	6	3	6	6	7	6	2	4	2	3	6	5
Total	53	44	51	39	40	33	31	32	34	32	40	43

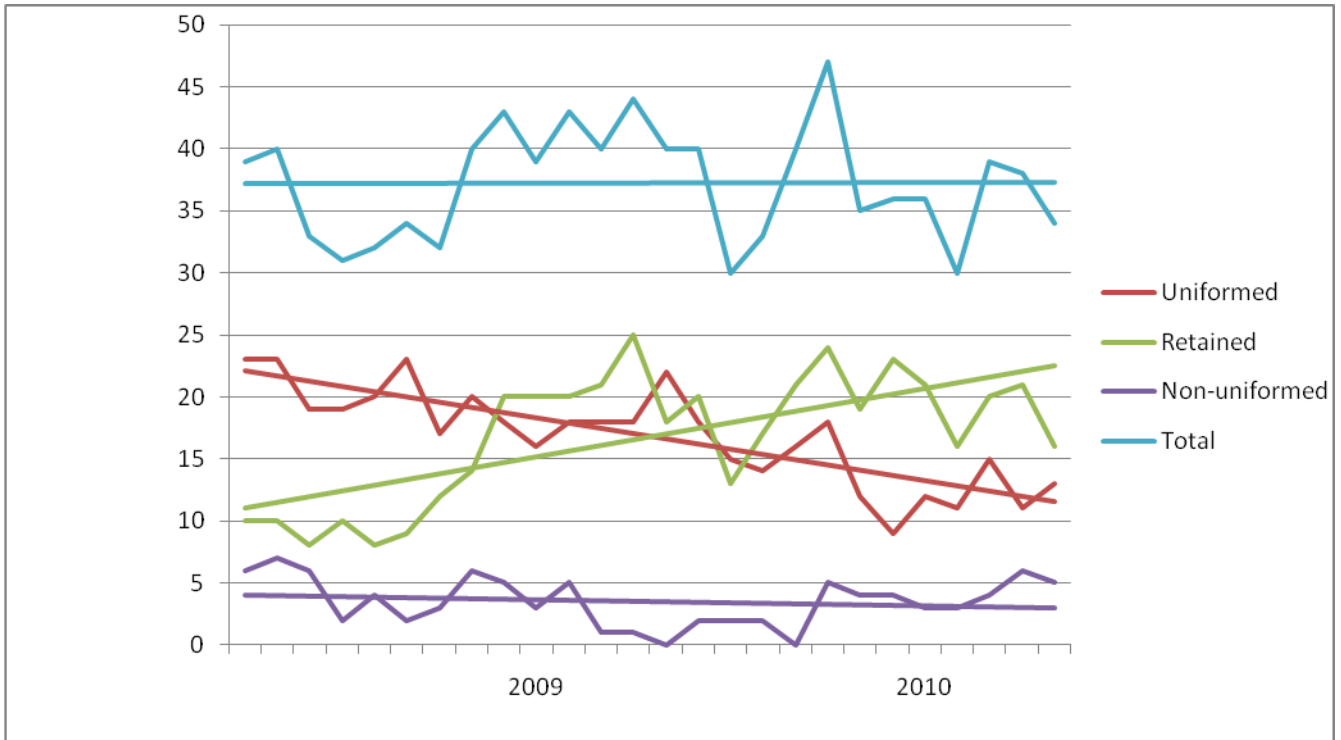
2009

Number of staff	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Uniformed	16	18	18	18	22	18	15	14	16	18	12	9
Retained	20	20	21	25	18	20	13	17	21	24	19	23
Non-uniformed	3	5	1	1	0	2	2	2	3	5	4	4
Total	39	43	40	44	40	40	30	33	40	47	35	36

2010

Number of staff	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Uniformed	12	11	15	11	13							
Retained	21	16	20	21	16							
Non-uniformed	3	3	4	6	5							
Total	36	30	39	38	34							

Long-term Sickness 2008 to 2010 – Number of Staff



5. CHARTERED INSTITUTE OF PERSONNEL DEVELOPMENT (CIPD) ANNUAL SURVEY

5.1 The last annual CIPD report for 2009 is a useful overall benchmark since it is based on replies from 642 employers in organisations employing a total of more than 1.9 million employees. The survey found that the average level of employee absence has fallen to 7.4 days per employee per year from 8.0 days per employee per year in the previous year. The average level of absence remains highest in the public sector at 9.7 days per employee per year which was a very slight drop from the previous year's figure of 9.8 days per employee per year. One FRS participated in the survey with an average of 7.5 days per employee per year.

5.2 The most commonly used approach to managing short-term absence was found to be the use of return-to-work interviews, with 83% of organisations using them. The involvement of occupational health professionals is identified as the most effective approach for managing long-term absence by respondents from all the four main sectors.

5.3 During the course of 2010/11 a new target will be agreed for Devon & Somerset Fire & Rescue Service as we seek to achieve a level of excellence within the organisation.

6. CONCLUSION

6.1 The Service saw a good overall improvement in 2009/10 and is seeking to continue to reduce absence levels in 2010/11.

JANE SHERLOCK
Director of People and Organisational Development

DEVON & SOMERSET FIRE & RESCUE AUTHORITY



REPORT REFERENCE NO.	HRMDC/10/11
MEETING	HUMAN RESOURCES MANAGEMENT & DEVELOPMENT COMMITTEE
DATE OF MEETING	17 JUNE 2010
SUBJECT OF REPORT	THE WORKING TIME DIRECTIVE AND PROPOSED CHANGES TO LEGISLATION
LEAD OFFICER	Director of People and Organisational Development
RECOMMENDATIONS	<p>(a) <i>That the Committee supports the stance taken by the LGA and that the County Councils, MPs, MEPs etc are lobbied accordingly;</i></p> <p>(b) <i>That the potential impact on DSFRS of changes in the opt out clause be noted;</i></p>
EXECUTIVE SUMMARY	The Working Time Directive and proposed changes to legislation will potentially impact on the flexibility of Devon and Somerset Fire and Rescue Service in terms of the availability of employees on the Retained Duty System (On-Call), and Wholetime employees who have secondary RDS contracts, and other employees who have secondary employment to support service delivery e.g. the Community Safety Action Team. This is largely due to the suggestion to remove the opt out clause relating to a maximum 48 hour working week, the definition of working time and compensatory rest.
RESOURCE IMPLICATIONS	Resource issues are not identifiable at the moment. An electronic availability system, Garten, will help provide this management Information required to assist this.
EQUALITY IMPACT ASSESSMENT	Employees on call are those disproportionately affected by the potential changes in legislation.
APPENDICES	<p>A. CFOA Consultation Response;</p> <p>B. FEU Consultation Response,</p> <p>C. Glossary of terms</p>
LIST OF BACKGROUND PAPERS	None

1. **BACKGROUND**

- 1.1 The UK FRS employ approximately 50,000 employees whose work includes responding to incidents 24 hours a day, such as fires, road traffic collisions, building collapse, hazmat, transport accidents, maritime response, international rescue, co-responding, mine rescue, flooding and water rescue.
- 1.2 There are basically two types of operational firefighters, whole-time, who work a set period of hours per week (though are able in many authorities to undertake secondary employment), and retained (retained duty system (RDS)) firefighters. These are firefighters that work and live up to approximately 5 minutes travel distance from their base station but whose primary employment is not normally with the FRS. They are on-call at least 80 hours a week, undertaking approximately 2/3 hours training per week, and respond to incidents when their base station are called out.
- 1.3 The FRS also employs senior officers who will work a flexible duty system, which is a normal (42hr) working week, but who, at set times, will be on call to take control of significant incidents when requested.
- 1.4 There are around 18,200 retained firefighters in the UK. 90% of fire cover in the UK is provided by retained firefighters, covering many urban and rural areas. Devon and Somerset Fire and Rescue Service is the largest UK employer of retained firefighters with over 2,700, staff operating that duty system
- 1.5 Currently, the UK has reached a political agreement with the European Union (EU) to retain its opt-out under the Working Time Directive 1993 (WTD), which means that employees can opt-out of the average maximum working hours limit of 48 hours. The deal is subject to approval by the European Parliament and implementation into UK law, and if adopted it will benefit both employers and employees who value flexibility in working hours. There is some debate, however, as to whether or not the opt-out provision will continue to apply to organisations such as the Fire and Rescue Service, Doctors etc.
- 1.6 The most significant proposals to amend the Directive were proposed by the European Commission in 2004. Discussions are taking place now, and if there is agreement, it may or may not lead to significant amendments to the Directive. The revision is contentious and the outcome has implications for UK local government (both for Fire and Rescue Service and for staff in residential care homes). If agreed it will have to be translated into our own domestic working time legislation (The Working Time Regulations 1998). The Local Government Association (LGA) is working on behalf of local authorities and fire and rescue authorities to ensure that the implications of the Directive's revisions are understood.
- 1.7 The key impact of the proposals in relation to the WTD is as follows:
- The opt out
 - On call time
 - Compensatory rest.
- 1.8 Each of these areas is explored in more depth in this report, together with details in respect of action being taken by both EU, national and local government.

2. **THE OPT-OUT**

- 2.1 The Working Time Regulations 1998 allows the UK to retain its opt-out from the maximum 48-hour working week. Individual workers could decide to work beyond the 48 hour working week subject to other safeguards in the Directive (rest breaks, rest days, holidays etc). The maximum reference period for calculating average weekly working hours is six months. But, where an individual has opted- out, an upper limit of a 60-hour maximum week will apply, calculated as an average over three months. This means employers must keep working time records, even for opted-out workers.
- 2.2 The Directive also encourages employers to examine requests for changes to working hours and patterns in light of business needs and the need for flexibility on the part of both the employer and the worker. But what might this mean in practice?
- 2.3 It would appear to mean that the UK should implement a legal right on the part of all workers to request flexible working. As such, that would go beyond the extension to all staff with children under the age of 16 that was recently proposed and endorsed by the UK government came into effect in April 2009. Whether this right would mirror existing flexible working rights in terms of process and grounds for refusal, or whether it would be introduced as a more diluted "duty to consider" obligation, similar to requests to work beyond the normal retirement age, will be tested in Employment Tribunals
- 2.4 Staff will not be permitted to opt-out on commencement of employment unless they are to work less than 10 weeks per year. Those on probationary periods who opt-out may withdraw their consent at any time up to six months into employment.
- 2.5 There is currently some debate that the opt-out clause might be removed. The Commission and other Member States want it removed, believing it gives the UK a more competitive advantage over those EU member states that have not made use of the opt-out and because it believes there is evidence of abuse of the opt-out clause. If this were to be the case this would have significant impact on Devon and Somerset Fire and Rescue Service (DSFRS) which has the majority of its employees operating as part time firefighters on the Retained Duty System; having primary employment outside the Fire and Rescue Service.
- 2.6 The opt -out clause currently allows individuals to work over and above an average 48 hours week, if they choose to do so thereby offering availability in terms of a secondary employment contract to DSFRS.
- 2.7 The LGA supports the UK government view of retaining the opt-out.

3. **ON-CALL TIME**

- 3.1 Definition of working time is already a complex area of law. Currently, time spent on call at a workplace should be counted as working time, irrespective of whether the worker is called upon to actually perform any duties.
- 3.2 The EU deal proposes a new distinction between 'active' and 'inactive' on-call time. 'Active' on-call time would be time during which the worker is required to be at work, but is not required to perform any duties. This would count as working time for the purpose of calculating compliance with Working Time Directive limits.

- 3.3 'Inactive' on-call time would be, for example, time spent at home during which a worker is on-call, but not performing duties. This would only count as working time if national law or a collective agreement so provided, in which case the maximum average working week for opted-out staff would rise to 65 hours over a three-month period. In the absence of such a law, inactive on-call time would be neither working time nor rest time.
- 3.4 The proposed changes imposes further administrative burdens on employers such as Fire and Rescue Services that will need to separately record active and inactive on-call time. The European Court of Justice has interpreted the definition of working time to include all on-call time spent at the workplace, even when employees are actually resting. This has potential impact on a number of local government activities e.g. fire fighting and social care.
- 3.5 The LGA believes 'inactive' time should not be classed as working time.

4. **COMPENSATORY REST**

- 4.1 Under the Directive, an individual's rights to a rest period (e.g. the right to 11 hours daily rest between periods of work) can be amended, subject to the individual being granted a period of compensatory rest. The European Court of Justice has held that this rest must be granted immediately.
- 4.2 The LGA believes this provision must be more flexible to allow rest in a reasonable period, taking into account operational factors and staffing levels.

5. **EUROPEAN UNION (EU) AGREEMENT**

- 5.1 For amendments to be made to the Directive there has to be agreement between the Council of Ministers (EU member state governments) and the European Parliament (EP).
- 5.2 Over five years, there have been numerous proposals and counter proposals on each of these issues. It has been highly contentious between employers and trade unions and between political parties and member state governments. The main views are:
- 5.3 The Council of Ministers (national governments) agreed in June 2008 to:
- Retain the opt-out (subject to tighter conditions for the protection of workers);
 - Class inactive on-call time as neither working time or rest; and
 - Compensatory rest should be granted within a reasonable time.
- 5.4 The LGA supports the Council's position.
- The European Parliament proposed the following amendments in December 08:
 - The 48 hour opt-out should be phased out within three years;
 - On-call time in the workplace, even when inactive to be counted as working time;
 - Working hours in more than one job should be considered together; and
 - Compensatory rest should be taken immediately.

- 5.5 In March 2009 The Council and Parliament entered into a formal conciliation process to reach agreement on the final text. UKREP, UK government representation in Brussels, told the LGA that there would be a series of consultation phases. The Council has considered the EP amendments,
- 5.6 As conciliation failed because agreement could not be reached between the Council and the EP and because they also ran out of time as the EP came to the end of its mandate in June 09 prior to the European elections), the status quo remains. This is not a lasting solution but would mean the 48 hour opt-out remains for the time being, and ECJ case law on the definition of working time and the timing of compensatory rest would also remain.
- 5.7 The Commission may pursue infraction proceedings against Member States if they did not make the necessary amendments to their legislation and may come forward with another proposal on the 48 hour opt-out.
- 5.8 The EU reopened the consultation, with the initial phase ending on the 19th May 2010. Results of the consultation are unlikely to be known until the end of June 2010

6. **UK GOVERNMENT**

- 6.1 For the UK, BERR has overall responsibility for dealing with the Directive and Communities for Local Government (CLG) and Department of Health are also involved. The UK Government's absolute priority is to maintain the opt-out, which is what the LGA Group has always supported.
- 6.2 In the past, the UK government has been on its own in supporting the retention of the opt-out as initially it was the only state using it. However, a significant development has been that around 15 other EU countries have now used the opt-out in some form, so the Council's position on retaining the opt-out is likely to look much stronger. A recent meeting of the Federation of the European Union Fire Officer Association, (FEU). At the beginning of May 2010 in Finland has given further strength to this position (see Appendix B).
- 6.3 The UK government has also strongly supported the LGA line on the definition of working time and compensatory rest provisions. However, to maintain and build support for the retention of the opt-out, it could be that the UK government concedes on other elements of the Directive such as the definition of on-call time.
- 6.4 If this is the case, the LGA and UK government viewpoints would diverge, as its implications (on-call time and compensatory rest) could be significant for the local government workforce. Also, the UK government has been strongly supported on all of these issues by a number of other member states who may now find it difficult to maintain their agreed positions.

7. **CHIEF FIRE OFFICERS ASSOCIATION (CFOA)**

- 7.1 As a FRS our in road into the initial phase of the consultation between the EU and their social Partners (which includes employee and employer organisations) is via the Local Government Employers. It is CFOA's opinion that, if there is no agreement then the consultation will be spread more widely. CFOA believe that it is unlikely for the social partners to come to an agreement in the first phase. CFOA have collated all the consultation responses from individual fire and rescue services and hared them with the LGA in preparation for the second phase of consultation, so that all key opinion formers understand the issues for the fire and rescue service with the working time directive. CFOA's consultation response is at Appendix A.

8. **FEDERATION OF THE EUROPEAN UNION FIRE OFFICERS ASSOCIATION (FEU)**

- 8.1 In early May 2010 FEU met in Finland to discuss their position on the challenges of the Working Time Directive and its impact for the Fire and Rescue services and the Fire departments of the Member States. Appendix 2 shows the outcome of that meeting. 21 of the 27 member States of the European Union unanimously adopted the following position:

- seek the attention of Member States of the European Union regarding the risk of the substantially negative impact for the vast majority of fire services due to the revision of The Working Time Directive 2003/88/EC, in particular, the quality of the safety of European Citizens, the Impact on public finances, the failure to take into account the specific nature of civil protection, and the lack of understanding of the organizational framework and proper functioning of the fire services, (both professional and volunteers);
- would seek to emphasize the absolute necessity that the future directive maintains the quality of public service provided, by fire fighters, (volunteers and professionals), in conjunction with the legitimate interest that attaches to the preservation of their health and their safety in their work or their activity;
- would call in relation to this proposal, on national governments and the European Commission and Parliament responsible for the development of this directive:
- to preserve, through its clear exclusion from the scope of the Directive, the activity of a volunteer fire fighter, as distinct from the activities of a worker;
- to maintain, for the professional fire fighters, the flexibility in the calculation of weekly working time (opt-out) and to put in place a system that recognises the relationship between active operational duty time and inactive operational duty (standby) time 24hrs/day, 365 days a year.
- resolve to convey their position in a coordinated manner with national governments and EU (Commission, Parliament, Council), and mandated the representatives of the FEU to relay this position among the institutions of the European Union.

9. **LOCAL GOVERNMENT ACTIVITY**

- 9.1 The LGA has been lobbying on the Directive since 2004. Policy expertise is provided by Local Government Employers (LGE) who represents UK local government at the Employers Platform, a European network of local government employment experts.

- 9.2 This is part of CEMR (pan European LGA) and is the main local government lobbying mechanism on the Directive at EU level. It also works through CEEP, the European public sector employers body. The LGA European team has assisted the LGE with the provision of information and in its lobbying activity in the process.
- 9.3 A significant problem is that there is much misunderstanding of the impact of the Directive and proposals for change because:
- Even within the proposed amendments there is still scope for different interpretations of the impact;
 - All of the issues are interrelated which means that a change in one aspect
 - can have a knock-on effect on another; and
 - The actual impact will depend on the working arrangements of different
 - employers.
- 9.4 This makes it almost impossible to quantify the effects. CLG is in contact with the LGA Group to assess the impact of the EP's amendments on fire authorities (implications in terms of continuing to provide operational cover, including an idea of cost). It will use this in its communications to other national governments /MEPs.
- 9.5 Changes to the opt-out system or the calculation of on-call time could pose severe difficulties for UK fire and rescue services, because the fire service is not only staffed by full-time staff but also by "retained firefighters". As Members are aware these are people with a fulltime day job who also work part-time as a firefighter. Some fire and rescue authorities have been in contact with the LGA Group and one has reported that it has made permanent some of its retained staff and that it knows of other authorities undertaking cost benefit analyses if the opt-out were deleted.
- 9.6 The LGA issued a briefing for MPs which was cited during the Adjournment Debate on the European Working Time Directive on 11 February. The briefing set out the implications of the loss of the opt-out for fire and rescue authorities and can be accessed at: <http://www.lga.gov.uk/lga/core/page.do?pageld=1645875>
10. **KEY POINTS**
- 10.1 The UK currently still has the right to opt out of the maximum 48-hour working week, but this is subject to change and could impact on availability of staff who have secondary employment contracts with DSFRS.
- 10.2 Flexible working is encouraged, but isn't a legal right for all.
- 10.3 Correctly classifying 'on-call' time will be important as the law in this area is complicated.
- 10.4 The proposal is subject to scrutiny by the European Parliament and is unlikely to come into force until 2010.

11. **CONCLUSIONS AND NEXT STEPS**

- 11.1 The recent change in the EU presidency (from Slovenia to France) on 1 July 2008, and the fact that these proposals remain subject to the approval of the European Parliament, mean that their adoption is by no means a foregone conclusion. The UK has some flexibility in terms of how the changes are implemented, and will have a two-year window to do so. Therefore, any changes are unlikely to take effect before 2010.
- 11.2 DSFRS is currently assessing the impact of the changes in the legislation to the service, so that it can anticipate the likely effect in terms of cost and resourcing and identify solutions.
- 11.3 Following a meeting with the senior official in charge of drafting the amendments to the Directive (and for trying to get agreement by the two legislating bodies, the European Council and European Parliament), it is clear where compromise may happen and where issues are out of the scope for amendments. The 48 hour week for example is non-negotiable, as it is set by the International Labour Organisation, and is used for international comparisons on the quality of working lives. The area most likely to be compromised on is around the timing of compensatory rest.
- 11.4 DSFRS is currently involved in a procurement process for a Retained Duty availability system, "Garten" which will provide improved management information about availability of individuals, stations and areas and impact on resourcing and crewing levels. The intention is that this system will interface with the new Regional Control Centre. Regular updates on the Retained Duty System project will be given at future HRMD Committees.
- 11.5 LGE has also been approached by the Centre for Strategy & Evaluation Services (CSES) to discuss practical aspects of the impact assessment that the European Commission is carrying out around the Directive (CSES have been appointed to look at the impact of the opt-out across Europe and to look at the impact of the Directive on UK public services). Focus groups will be set up (through LGE, or in cooperation with other stakeholders) and we will contact you in due course as we are made aware of each phase of the impact assessment process.
- 11.6 The LGA will continue to work on behalf of UK local authorities to support the retention of the UK opt-out by contributing to decision making processes both in Whitehall and Brussels. Specifically they will:
- Lobby UK Government departments on local government views to inform their EU level negotiations;
 - Lobby MEP's on the conciliation committee (list of MEPs on the committee is available) and encourage the pan European network to do the same;
 - Carry out some cost benefit analyses On Fire and Rescue Services (and care homes);
 - Continue to keep local authorities informed about what the LGA Group is doing on our behalf; and;
 - Develop media awareness.
- 11.7 The Chief Fire Officers' Association will be supporting the stance of the LGA as indicated above. The Committee will be updated at future meetings as more information becomes available.

11.8 Key contacts are as follows:

Kelvin Scorer Local Government Employers kelvin.scorer@lg-employers.gov.uk

Jasbir Jhas, LGA European and International unit jasbir.jhas@lga.gov.uk

Jennifer Crisp, LGA Brussels office Jennife.crisp@lga.gov.uk

JANE SHERLOCK

Director of People and Organisational Development

CFOA CONSULTATION RESPONSE

Thank you for your responses to the Working Time Directive consultation request.

As you may be aware, the initial phase of consultation is between the Commission and their social partners. Our in-road to this consultation is through the Local Government Employers (LGE). If the social partners – which include employee and employer organisations – do not come to an agreement, the consultation will be spread more widely.

We believe it is unlikely that the social partners will come to an agreement in this first phase.

All your responses have been shared with the LGE to inform them of the issues. CFOAs response is noted below. We have also met – and will continue to meet - with officers within the LGE, informing them of the issues in more detail.

The information supplied by you is also being used to prepare a comprehensive consultation reply in preparedness for the second phase of consultation. This will be shared with you all prior to it being sent to the Commission.

We will be working with the LGA throughout this process to ensure that all key opinion formers understand the issues for the fire and rescue service with the working time directive.

CFOA Response:

The UK FRS employ approximately 50,000 personnel whose work includes responding to incidents 24 hours a day, such as fires, road traffic collisions, building collapse, hazmat, transport accidents, maritime response, international rescue, co-responding, mine rescue, flooding and water rescue.

There are basically two types of operational firefighters, whole-time, who work a set period of hours per week (though are able in many authorities to undertake secondary employment), and retained (retained duty system (RDS)) firefighters. These are firefighters that work and live up to approximately 5 minutes travel distance from their base station but whose primary employment is not normally with the FRS. They are on-call at least 80 hours a week, undertaking approximately 2/3 hours training per week, and respond to incidents when their base station are called out.

The FRS also employs senior officers who will work a flexible duty system, which is a normal (42hr) working week, but who, at set times, will be on call to take control of significant incidents when requested.

There are around 18,200 retained firefighters in the UK. 90% of fire cover in the UK is provided by retained firefighters, covering many urban and rural areas.

In response to the specific questions put forward by the LGE:

1. Do you think the Working Time Directive needs to be reviewed?

Though CFOA ordinarily believes all legislation should be periodically reviewed to ensure it continues to meet its purpose, the WTD has only recently gone through a review. We currently believe that the WTD is fit for purpose, well known and understood and has the balance of flexibility and protection for both employees and employers. The serious effect any changes will have on the effectiveness of the UK FRS lead us to believe, at this point in time, the WTD does not need to be reviewed.

2. Which points of the Working Time Directive are useful to you as an employer?

The Opt-out of the 48 hour working week enables the retained duty system to operate, ensures senior officer availability for significant incidents, and ensures flexibility of systems of work to provide an effective fire and rescue service targeting local risk.

Defined rest periods and compensatory rest options provides flexibility, specifically in relation to senior wholtime officers who provide on call cover, as well as press officers, IT staff etc, who also provide 24 hour on-call services.

3. Which points of the Working Time Directive cause difficulties to you as an employer?

There is difficulty that details relating to the hours worked in an employee's primary employment is not required to be disclosed.

4. If you could change anything about the Working Time Directive, what would it be and what alternative options would you propose?

See point 3
above

Also, further clarity around 'on-call' and working time, specifically where staff live on site, when on-call but not working (*Landeshaupstadt Kiel v Norbert Jaeger*, 2003, European Court of Justice).

I would firstly like to thank you again for providing feedback to LGE on the first stage consultation for the Working Time Directive.

FEU CONSULTATION RESPONSE

We were able to use your feedback to influence various texts that have been forwarded by European "social partner" organisations. I would like to update you on the current position:-

1. There are many similarities across Europe, on the impact of the working time directive on public sector employers. As providers of 24 hour services, the issues around inactive on-call time and compensatory rest are the same across all 27 Member States. In addition, there is a common position in terms of wanting to retain the opt-out.
2. Attached is a response which was forwarded by the organisation representing local and regional government employers at the local level. An initial draft was written by the Danish Regions employer organisation (who represent the health sector as well as the local government sector). Your feedback was instrumental in adding references on recent European Court of Justice (ECJ) cases which have re-interpreted the Working Time Directive for example around annual leave (both the Stringer case and rolled up holiday pay). These types of issues highlight further re-interpretation of the Directive from the original intentions.
3. The closing date for the consultation was 19 May. Most responses have now been forwarded to the European Commission. However, the three organisations that could decide to open negotiations on agreeing the Directive independently of the European Commission (the so called cross sectoral social partners CEEP, representing all public sector employers, BusinessEurope, representing all private sector employers and ETUC, representing all trade unions) have asked for an extension. They are still considering whether to enter negotiations, CEEP are keen to enter negotiations, believing that as representatives of employers and employees they are better suited to come up with a workable solution. However, this is far from guaranteed as the Directive is such a political issue.
4. The results of the consultation are now unlikely to be issued until the end of June, and the next stage of the consultation (providing more practical insights as to the possible future Directive) not issued until after the summer break.
5. Following a meeting with the senior official in charge of drafting the amendments to the Directive (and for trying to get agreement by the two legislating bodies, the European Council and European Parliament), it is clear where compromise may happen and where issues are out of the scope for amendments. The 48 hour week for example is non-negotiable, as it is set by the International Labour Organisation, and is used for international comparisons on the quality of working lives. The area most likely to be compromised on is around the timing of compensatory rest.
6. LGE has also been approached by the Centre for Strategy & Evaluation Services (CSES) to discuss practical aspects of the impact assessment that the European Commission is carrying out around the Directive (CSES have been appointed to look at the impact of the opt-out across Europe and to look at the impact of the Directive on UK public services). Focus groups will be set up (sometime through LGE, sometimes in cooperation with other stakeholders) and we will contact you in due course as we are made aware of each phase of the impact assessment process.

If you have any questions please feel free to contact me.

FEU- MEETING - TAMPERE, FINLAND, 8-12 May 2010.

(Federation of the European Union Fire Officer Associations)

THE FEU POSITION ON THE CHALLENGES OF THE EUROPEAN WORK TIME DIRECTIVE AND ITS IMPACT FOR THE FIRE & RESCUE SERVICES AND THE FIRE DEPARTMENTS OF THE MEMBER STATES.

Meeting today in a general meeting in Tampere (Finland), members of the association FEU (Federation of the European Union Fire Officer Associations) have noted the statement issued by the European Commission 24 March 2010 inviting the representatives of workers and employers to express their views on the revision of Directive 2003/88/EC on working time.

After discussion, the member associations present, representing 21 of the 27 member states of the European Union, have unanimously adopted the position as follows.

The Member associations of FEU:

1. seek the attention of Member States of the European Union regarding the risk of the substantially negative impact for the vast majority of fire services due to the revision of The Working Time Directive 2003/88/EC, in particular, the quality of the safety of European Citizens, the Impact on public finances, the failure to take into account the specific nature of civil protection, and the lack of understanding of the organizational framework and proper functioning of the fire services, (both professional and volunteers)
2. would seek to emphasize the absolute necessity that the future directive maintains the quality of public service provided, by fire fighters, (volunteers and professionals), in conjunction with the legitimate interest that attaches to the preservation of their health and their safety in their work or their activity.
3. would call in relation to this proposal, on national governments and the European Commission and Parliament responsible for the development of this directive:
 - to preserve, through its clear exclusion from the scope of the Directive, the activity of a volunteer fire fighter, as distinct from the activities of a worker;
 - to maintain, for the professional fire fighters, the flexibility in the calculation of weekly working time (opt-out) and to put in place a system that recognises the relationship between active operational duty time and inactive operational duty (standby) time 24hrs/day, 365 days a year.
4. resolve to convey their position in a coordinated manner with national governments and EU (Commission, Parliament, Council), and mandated the representatives of the FEU to relay this position among the institutions of the European Union.

Agreed at Tampere, May 10, 2010.

Glossary

BERR	Department for Business, Enterprise and Regulatory Reform
CEEP	European Public Sector Employers Body
CEMR	Pan European LGA
CLG	Communities for Local Government
EP	European Parliament
EU	European Union
FEU	Federation of the European Union Fire Officers Association
LGA	Local Government Association
LGE	Local Government Employers
UKREP	UK Government Representation in Brussels
WTD	Working Time Directive

DEVON & SOMERSET FIRE & RESCUE AUTHORITY



REPORT REFERENCE NO.	HRMDC/10/12
MEETING	HUMAN RESOURCES MANAGEMENT & DEVELOPMENT COMMITTEE
DATE OF MEETING	17 JUNE 2010
SUBJECT OF REPORT	HEALTH OF THE ORGANISATION
LEAD OFFICER	DIRECTOR OF PEOPLE & ORGANISATION DEVELOPMENT
RECOMMENDATIONS	<i>That the report be noted.</i>
EXECUTIVE SUMMARY	<p>The '<i>Health of the Organisation</i>' is a new measure being developed by Devon & Somerset Fire & Rescue Service as a means of monitoring people aspects of the organisation which could be inextricably linked to the overall health of the organisation. This includes the levels of discipline and grievances cases, any trends in bullying and harassment, the turnover of staff, the levels of stress and referrals to counselling and the collective relationships with Trade Unions.</p> <p>The health of the organisation is also an agenda item for the Joint Safety Committee to enable such aspects as 'psychological safety' to be discussed. This report will consider the data that the Service holds in relation to these aspects. These measures will also link with the EFQM Excellence Model that the Service has used to assist with our Service Strategy.</p>
RESOURCE IMPLICATIONS	There are ongoing resource implications in relation to the turnover of staff and absence through mental health.
EQUALITY IMPACT ASSESSMENT	
FINANCIAL IMPLICATIONS	Paragraph 3.1 and 3.2 of the report refers.
APPENDICES	None
LIST OF BACKGROUND PAPERS	None

1. **INTRODUCTION**

1.1 The 'Health of the Organisation' is a measure being developed by Devon & Somerset Fire & Rescue Service as a means of monitoring people aspects of the organisation which could be inextricably linked. This is a wider view than that of absence measurement and can take in a range of measures. Currently the key aspects of consideration are the levels of discipline and grievances cases, any trends in bullying and harassment, the turnover of staff, the levels of stress and referrals to counselling and the collective relationships with Trade Unions. The staff survey will also contribute to this measure once the results from our second survey are collated.

1.2 The health of the organisation has been added to the Joint Safety Committee to enable such aspects as 'psychological safety' to be discussed. A psychologically safe workplace can be defined as one that does not permit the harm to employees' mental health in a careless, negligent, reckless or intentional way. There are critical reasons employers should address the psychological safety of their workplace and work to minimise the risk factors. These are:

- Ensuring that we meet our legal and moral responsibility for our staff.
- The financial impact of enhancing psychological health in the workplace.
- The impact of workplace factors on employee mental health.

1.3 This report will consider the data that the Service holds in relation to these aspects. These measures will also link with the EFQM Excellence Model that the Service has used to assist with our Service Strategy. This model is provided through the European Foundation of Quality Management (EFQM).

2. **MENTAL HEALTH (STRESS)**

2.1 During 2009/10 there was a considerable reduction in Mental Health sickness as reported within the Absence Management standing item. This decrease by 53% is an impressive result. The reduction was from 2416 sick days in 2008/09 to 1143 sick days in 2009/10. There was a reduction in the number of times someone is was off with mental health sickness from 74 to 58 instances in 2009/10 but also staff are returning to work quicker. In 2008/09 the average mental health sickness absence lost 32.6 shift days; however in 2009/10 this has reduced to only 19.7 shift days.

2.2 The Service has counselling contracts in place which are currently with the NHS for Somerset staff and wellbeing@work through Devon County Council for Devon staff. With Somerset the number of sessions is shown below. The figure for 2010/11 is year to date.

	No of Sessions
2007/8	176
2008/9	143
2009/10	153
2010/11	42

2.3 In Devon the number of referrals is shown below:

	No of Cases
2007/8	32
2008/9	29
2009/10	33
2010/11	

2.4 The Service is currently seeking confirmation on the number of cases in Somerset to provide the overall levels.

2.5 The Service's Welfare Officer will also have welfare cases and in the period July to December 2009 there were 24. Some of these may have also received counselling. Of the 24 cases, 11 avoided a period of absence with the support of the Welfare Officer. The Staff Supporter network have had 8 recorded referrals since 1 April 2009 and the new mediation contract through Devon County Council has had 4 referrals since March 2010.

3. **STAFF TURNOVER**

3.1 The level of turnover is monitored in relation to staff leaving the organisation. Whilst a reasonable level of turnover demonstrates a degree of good organisational health if it becomes too high then it will cause organisational issues e.g. if those leaving have specific skills that are lost from the organisation.

3.2 There are a number of costs associated with staff turnover. The obvious ones are time and money, but there are also hidden costs. When a member of staff leaves, there may be costs associated with leaver administration, covering a vacancy until it's filled, e.g. through the use of temporary staff or overtime payments, advertising for a replacement or using a agency worker, dealing with recruitment and selection processes and the induction and training of the successful applicant. Hidden costs include higher levels of stress-related absence, interruptions to workflow and missed deadlines, a reduction in capacity or a drop in staff morale.

3.2 The characteristic pattern of employee turnover is high for new starters, then decreasing. This pattern will vary in any single organisation and is known as the 'survival curve'. The Service is seeking to introduce an exit interview policy to provide more information to assist the Service in analysing the reasons for staff turnover.

3.3 Turnover levels vary between sectors. The Chartered Institute for Personnel Development (CIPD) found the highest levels of turnover (16.8%) was in private sector organisations. Successive surveys of staff turnover show that the highest levels are typically found in retailing, hotels, catering and leisure, call centres and among other lower paid private sector services groups. Turnover stands at 16.4% in voluntary, community and not-for-profit organisations and the public sector has an average turnover rate of 12.6%.

3.4 The current levels of turnover within DSFRS are as follows:

	2007/08			2008/09			2009/10			Average 07-10
	Employed on April 1st	Leavers during year	%	Employed on April 1st	Leavers during year	%	Employed on April 1st	Leavers during year	%	Leavers per year
Non-Uni	252	34	13.49	250	25	10.00	278	26	9.35	28
Control	54	5	9.26	57	8	14.04	57	6	10.53	6
Retained	1210	93	7.69	1209	87	7.20	1226	62	5.06	81
Wholetime	735	22	2.99	724	40	5.52	711	23	3.23	28
Total	2251	154	6.84	2240	160	7.14	2272	117	5.15	144

3.5 The turnover of non-uniformed staff has reduced each year since combination from 13.49% to 9.35%. In Control we have seen a rising level of turnover possibly due to the increase in temporary staff and with the RCC project. Retained turnover has reduced and this will reduce our training costs. Turnover in the Wholetime has been traditionally low and this remains the case.

4. **DISCIPLINE & GRIEVANCE CASES**

4.1 The levels of Grievance and Discipline cases are shown on the next page. In 2009/10 there was a marked reduction in the number of grievances within the Service which is a good improvement. There is no real trend in the number of discipline cases and even though the level of both grievances and discipline cases is low for 2010/11, insufficient time has passed to give any reliable forecast for the remainder of the year.

	Grievances	Discipline
2007/8	24	27
2008/9	30	21
2009/10	10	30
2010/11	1	1

4.2 Of these cases the number relating to bullying and harassment are as follows:

	Grievances	Discipline
2007/8	5	5
2008/9	3	0
2009/10	1	3
2010/11	0	0

4.3 The numbers are too small to be significant but there has been a reduction in the number of grievances and greater direct disciplinary action has been taken.

5. **COLLECTIVE RELATIONSHIPS**

5.1 These are generally good and improving. There has been one matter referred to the national employers as a formal dispute with all other matters being resolved locally.

6. **CONCLUSION**

- 6.1 The Health of the Organisation is a new aspect of self-assessment and one that we will continue to review. It will also be linked with the EFQM Excellence Model.

JANE SHERLOCK
Director of People and Organisational Development



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	HRMD/10/13
MEETING	HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT COMMITTEE
DATE OF MEETING	17 JUNE 2010
SUBJECT OF REPORT	MEMBER CHAMPION FOR EQUALITY AND DIVERSITY – ROLE PROFILE
LEAD OFFICER	Director of People and Organisational Development
RECOMMENDATIONS	<i>That, subject to incorporation of any amendments made at this meeting, the Authority be recommended to approve the Role Profile for the Member Champion for Equality and Diversity as appended to this report.</i>
EXECUTIVE SUMMARY	<p>At its Annual Meeting on 28 May 2010 the Authority resolved, amongst other things, to defer appointment of a Member Champion for Equality and Diversity pending production of an appropriate role profile for this position.</p> <p>Appended to this report is a draft profile developed to reflect existing Service requirements and based upon similar profiles in existence for both the Dorset and Kent Fire & Rescue Authorities. The Committee is invited to consider the profile with a view to recommending its approval to the next full meeting of the Authority to enable an appropriate appointment to be made.</p>
RESOURCE IMPLICATIONS	It is envisaged that appropriate Equality and Diversity awareness building will be required to enable the appointed Champion to fulfil the role effectively and efficiently. This will be provided both in-house and by attendance at appropriate national seminars, the costs for which will be borne from within existing resources.
EQUALITY IMPACT ASSESSMENT	A clarified role will enable clear and robust leadership at member level and result in a positive impact for all diversity strands.
APPENDICES	Role Profile
LIST OF BACKGROUND PAPERS	Nil.

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

Member Equality and Diversity Champion: Role profile

Aims of the role

- Assist the Authority in fulfilling the requirements of the National Equality and Diversity Strategy
- Assist the Authority to achieve Excellent against the Equality Framework for Fire and Rescue Services by 2014

Requirements of the role

- Work closely with a nominated principal officer on Equality and Diversity issues
- Act as an advocate and lobbyist for Best Practice for Equality and Diversity issues
- To demonstrate leadership on Equality and Diversity issues through personal conduct and behaviour
- Generate ideas and concepts to support and develop policy
- Act as the main Member point of contact for the Authority for Equality and Diversity
- Where appropriate, to advise DSFRS Members on political and strategic issues associated with equality and diversity
- Effectively challenge behaviour or practices which are not in accordance with the principles of Equality and Diversity
- Attend seminars and other relevant events to gain and maintain specialist and current knowledge of the topic
- To assist with the development and scrutiny of strategies and policies including Making the Connections the single equality scheme
- Attend the Equality and Diversity monitoring group and assist in the scrutiny of priority Equality Impact Assessments (EqIAs)
- Encourage all Authority Members to communicate and champion the Authority's Equality and Diversity work in their communities