

**M. Pearson
CLERK TO THE AUTHORITY**

**To: The Chair and Members of the
Devon and Somerset Fire and
Rescue Authority (see below)**

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

Monday 11 April 2011

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. **Apologies**
2. **Minutes**
 - (a) Minutes of the public part of the meeting of the Committee held on 21 January 2011 attached (Page 1).
 - (b) Minutes of the exempt (Part II) part of the meeting of the Committee held on 21 January 2011 attached (Page 3).
3. **Items Requiring Urgent Attention**

Items which, in the opinion of the Chair, should be considered at the meeting as matters of urgency.
4. **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

5. **Absence Management**

Report of the Director of People and Organisational Development (HRMDC/11/3) attached (page 5)

6. **Streamlining of Assessment & Development Centres (ADCs)**

Report of the Director of People and Organisational Development (HRMDC/11/4) attached (page 12)

7. **Public Duties and Equality Impact Assessment**

Presentation by the Director of People and Organisational Development at the meeting.

8. **Retained Duty System: Outcome from Part-Time Workers Regulations Employment Tribunal**

Report of the Director of People and Organisational Development (HRMDC/11/5) attached (page 23)

9. **Regional Control Centre (RCC) Update**

Report of the Director of People and Organisational Development (HRMDC/11/6) attached (page 27)

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:-

Councillor Cann (Chair), Burridge-Clayton (Vice Chair), Bown, Boyd, Manning, Mrs. Nicholson and 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)

21 January 2011

Present:-

Councillors Cann (Chair), Bown, Boyd, Burridge-Clayton, Healey (vice Mrs Turner) and Leaves (vice Mrs Nicholson).

Apologies:-

Councillors Manning, Mrs. Nicholson and Mrs Turner

***HRMDC/22. Minutes**

RESOLVED that the Minutes of the meeting held on 12 November 2010 be signed as a correct record.

***HRMDC/23. 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/24. Absence Management**

The Committee received for information a report of the Director of People and Organisational Development (HRMDC/11/1) that set out the overall performance of the Service in relation to absence management in 2010/11.

The Human Resources Manager advised that, whilst performance was still ahead of the target of 9.0 days/shifts per person in 2010/11, it was unlikely that the Service would be able to exceed the absence level of 8.02 days/shifts which was achieved in 2009/10. He added that there had been an increase in absence levels for non uniformed staff in October and November 2010, whilst the figures for Control staff remained over the target level.

In terms of long term absence, this had shown an improvement during 2010/11, particularly for retained staff. It was noted that, in January 2011, the number of staff absent for over 6 months had dropped to 6 over the figure for November for 2010 (12). There had been investigations into the reasons behind sickness absence and musculoskeletal issues was the most frequently reported, followed by mental health issues, although the "various" category had seen the biggest increase recently. The musculoskeletal issues had been investigated in more depth and it had been ascertained that only 2.4% of these injuries were work related. Further work was being undertaken in this area as a result.

It was reported that uniform staff were managing the return to work interviews well. The Service was to issue a Bulletin in respect of return to work interviews and would be giving guidance to staff on how to deal with absence together with a training course.

***HRMDC/25. 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 (as amended) of the Local Government Act 1972, namely information relating to consultations on labour relations matters between the Authority and its employees.

Redundancy Compensation for Compulsory & Voluntary Redundancies

At this point, the Committee considered a report (APRC/11/2) submitted for consideration by the Director of People and Organisational Development.

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

The public part of the meeting started at 14.00hours and finished at 14.35hours

HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT COMMITTEE

(Devon and Somerset Fire and Rescue Authority)

21 January 2011

Present:-

Councillors Cann (Chair), Bown, Boyd, Burridge-Clayton, Healey (vice Mrs Turner) and Leaves (vice Mrs Nicholson).

Apologies:-

Councillors Manning, Mrs. Nicholson and Mrs Turner

HRMDC/26 Redundancy Compensation for Compulsory & Voluntary Redundancies

(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 considered a report of the Director of People and Organisational Development (HRMDC/11/2) that set out information to assist the Committee in recommending a redundancy multipliers to be utilised where the Service may be in a position of having to instigate either compulsory or voluntary redundancy.

The question of the position for existing staff such as the Temporary Staff Pool (TSP) for the Regional Control Centre (RCC), other regional staff employed by the Devon and Somerset Fire and Rescue Service and the Project Team for the RCC was also considered whereupon it was suggested that a multiplier of 2.5 could be adopted for these staff but on a time limited basis to 31 March 2011. In order to be fair and equitable, it was considered that this should also be applied to any staff given notice up to 31 March 2011.

Following a lengthy discussion, Councillor Cann proposed (and Councillor Boyd seconded):

“that the recommendations set out in report HRMDC/11/2 be approved and that a multiplier of 2 be recommended for adoption by the Devon and Somerset Fire and Rescue Authority for both compulsory and voluntary redundancy based on actual pay with a multiplier of 2.5 for the “at risk” staff in the TSP, other regional staff employed by the Devon and Somerset Fire and Rescue Service, Project Team for the RCC and any other staff given notice up to 31 March 2011”.

Upon a vote, this was carried unanimously.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 4 OF PART 1 OF SCHEDULE 12(A) (AS AMENDED) TO THE LOCAL GOVERNMENT ACT 1972

RESOLVED

- (a) That a multiplier of 2 be adopted in principle for the purposes of consultation with Representative Bodies and that, pending the outcome of these consultations, the Devon & Somerset Fire & Rescue Authority be recommended to adopt this multiplier for use in calculating redundancy payments arising from:
- (i) compulsory redundancies; and
 - (ii) voluntary redundancies
- with a view to applying this multiplier in relation to staff eligible to join the Local Government Pension Scheme i.e, non-uniformed and Control staff plus operational staff at Station Manager or above who have retired and been re-employed but excluding those staff referred to at (b) below;
- (b) that a multiplier of 2.5 be adopted in principle for the purposes of consultation with Representative Bodies and that, pending the outcome of these consultations, the Devon & Somerset Fire & Rescue Authority be recommended to adopt this multiplier for use in calculating redundancy payments arising from:
- (i) compulsory redundancies; and
 - (ii) voluntary redundancies
- for those "at risk" staff in the Temporary Staff Pool arising from the Regional Control Centre (RCC), other regional staff employed by Devon and Somerset Fire and Rescue Service, appropriate RCC Project Team staff and other staff given notice up to 31 March 2011;
- (c) that it be noted at this stage that, on the basis of advice received to date, it would appear that other uniformed staff not conditioned to the Local Government Pension Scheme had no entitlement to an enhanced redundancy payment;
- (d) that a further report be submitted to the full Authority meeting to be held on 14 February 2011 including the views of the Representative Bodies to enable a final decision to be made on the redundancy multiplier(s);
- (e) That, once the redundancy multiplier(s) is finally determined, it should be reviewed at least annually to take into account budgetary and financial issues and the organisational planning needs of the Service.

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

The meeting held without press or public in attendance (Part 2) started at 14.35hours and finished at 15.15hours



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

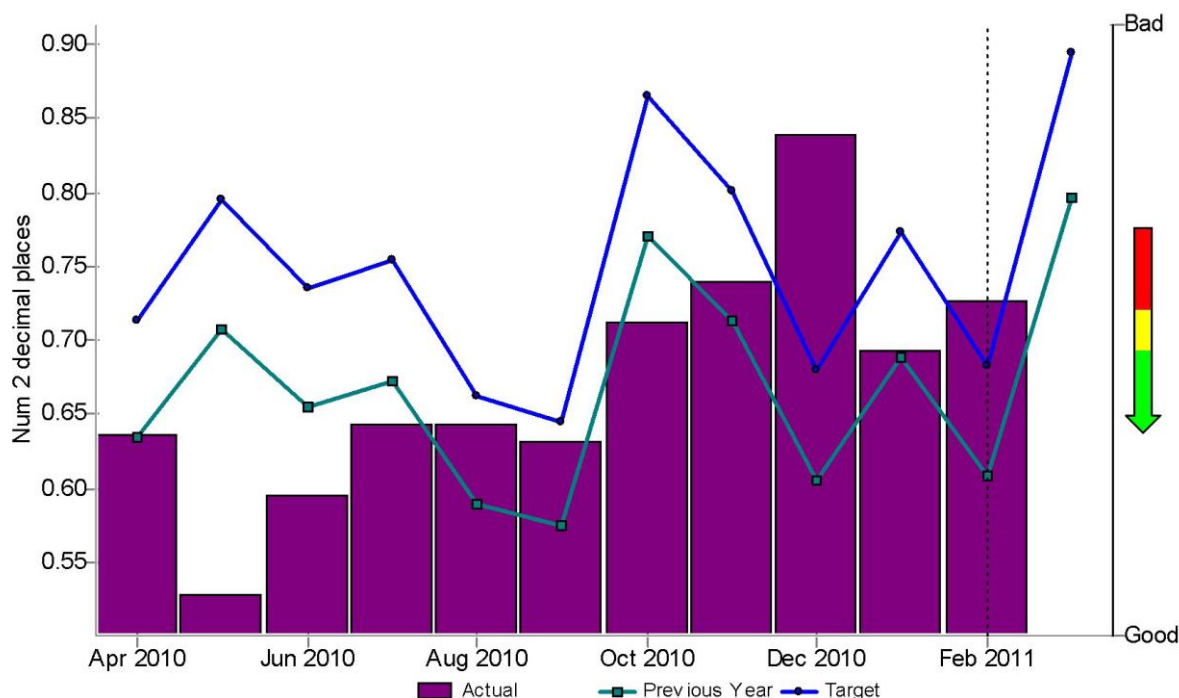
REPORT REFERENCE NO.	HRMDC/11/3
MEETING	HUMAN RESOURCES MANAGEMENT & DEVELOPMENT COMMITTEE
DATE OF MEETING	11 APRIL 2011
SUBJECT OF REPORT	ABSENCE MANAGEMENT
LEAD OFFICER	Director of People and Organisational Development
RECOMMENDATIONS	<i>That the report be noted.</i>
EXECUTIVE SUMMARY	The progress with Absence Management has been included as a standing item within the Human Resources Management and Development (HRMD) agenda. This report includes an update of the Service performance for 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.
APPENDICES	None
LIST OF BACKGROUND PAPERS	None

1. **INTRODUCTION**

1.1 Absence levels have previously been identified as a key measure that the Human Resources Management and Development (HRMD) Committee will monitor and review as a standing item. The target for 2010/11 is an average rate of 9.0 days/shifts lost per person.

2. **2010/11 PERFORMANCE**

2.1 At this point in time, the actual level for 2010/11 is 7.38 days/shifts lost per person compared with the previous year when it was as at an average of 7.22 days per person. This is 8.9% better than the target level at this point in the year but 2.3% worse than last year. At this point, whilst the Service remains on track to be below the year end target of 9 days/shifts it is likely to be at a similar absence level to 2009/10 when it was 8.02 days.



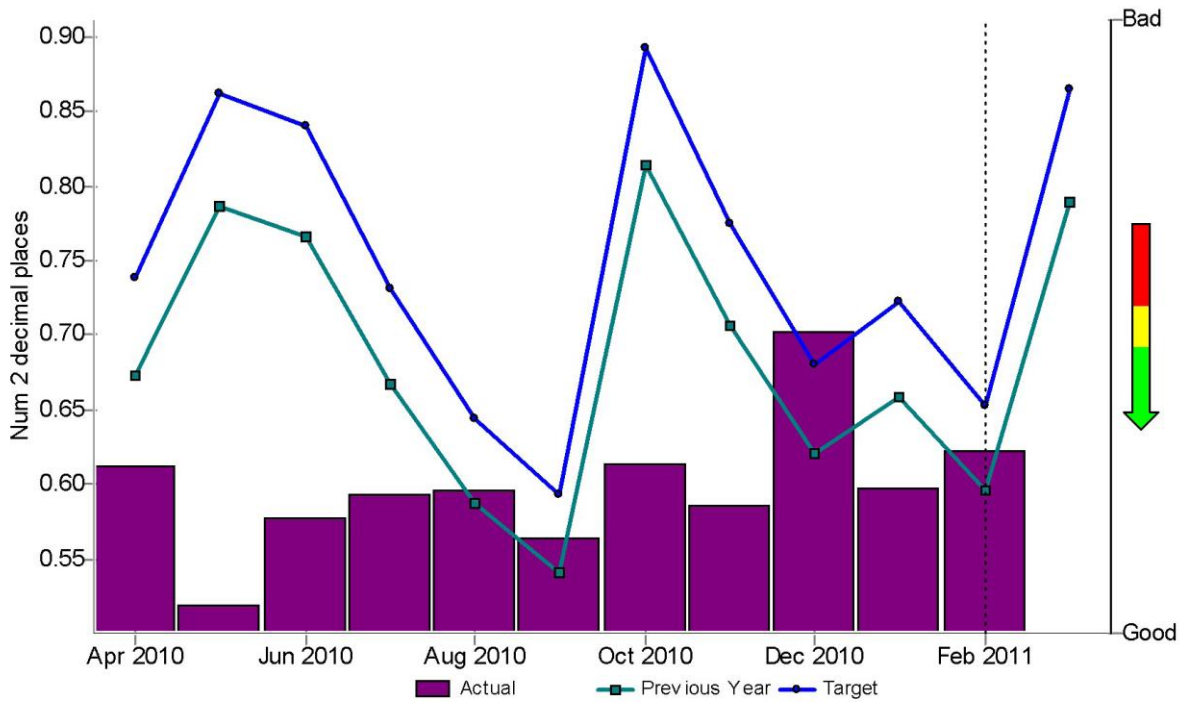
All Staff – Sickness Rates per Person – by Month

	Actual 10/11	Previous Year 09/10	% variance on previous year	% variance on target
Apr-10	0.64	0.64	0.0%	-10.9%
May-10	0.53	0.71	-25.5%	-33.6%
Jun-10	0.58	0.66	-9.2%	-19.2%
Jul-10	0.63	0.67	-5.9%	-16.2%
Aug-10	0.64	0.59	8.1%	-3.7%
Sep-10	0.62	0.57	7.6%	-4.2%
Oct-10	0.72	0.77	-6.9%	-17.1%
Nov-10	0.76	0.71	6.7%	-5%
Dec-10	0.84	0.61	-38.6%	-23.5%
Jan-11	0.69	0.69	0.6%	10.4%
Feb-11	0.73	0.61	-19.5%	-6.4%
YTD	7.38	7.22	-2.3%	8.9%

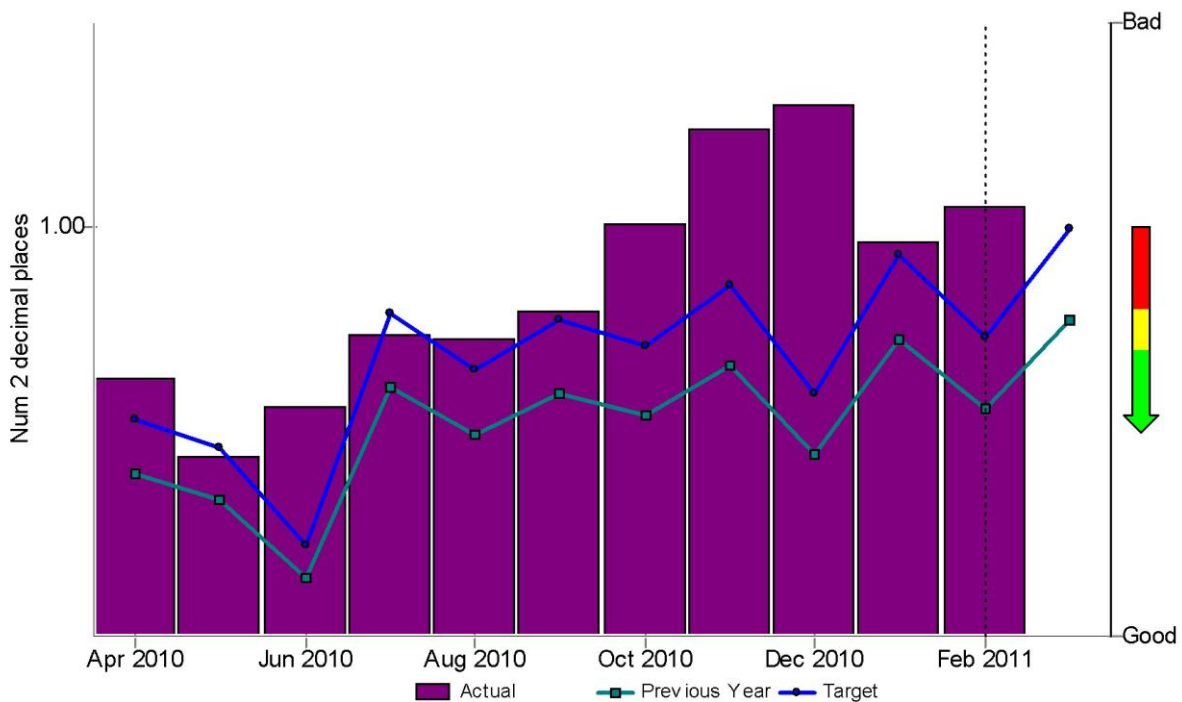
2.2

The Service can then break down the figures by staff category and the rates for uniformed, control and non-uniformed are shown below. The uniformed rates shows an overall good reduction compared with last year but this is not reflected in the overall performance due to the levels of absence in Control and Non-uniformed staff. Non-uniformed staff have seen an significant increase over the year and Control remain beyond our target levels but have reduced since the previous year.

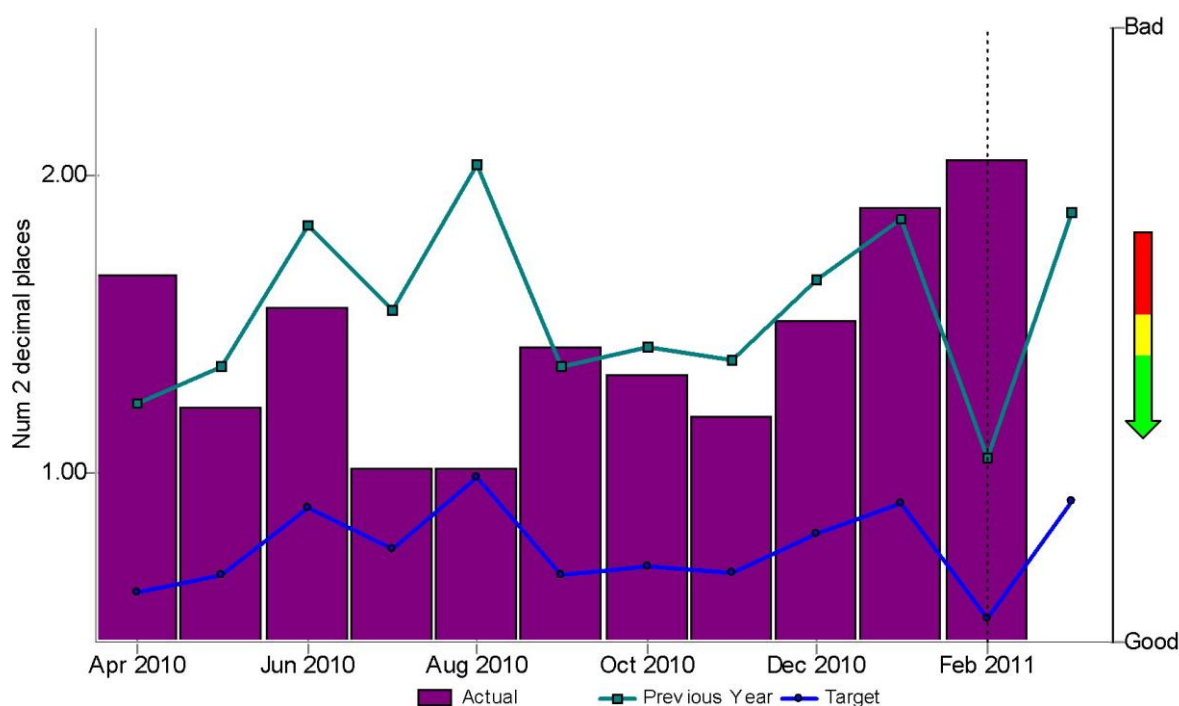
Uniformed Staff Sickness Rates by Month 2010/11



Non-uniformed Staff Sickness Rates by Month 2010/11



Control Staff Sickness Rates by Month 2010/11

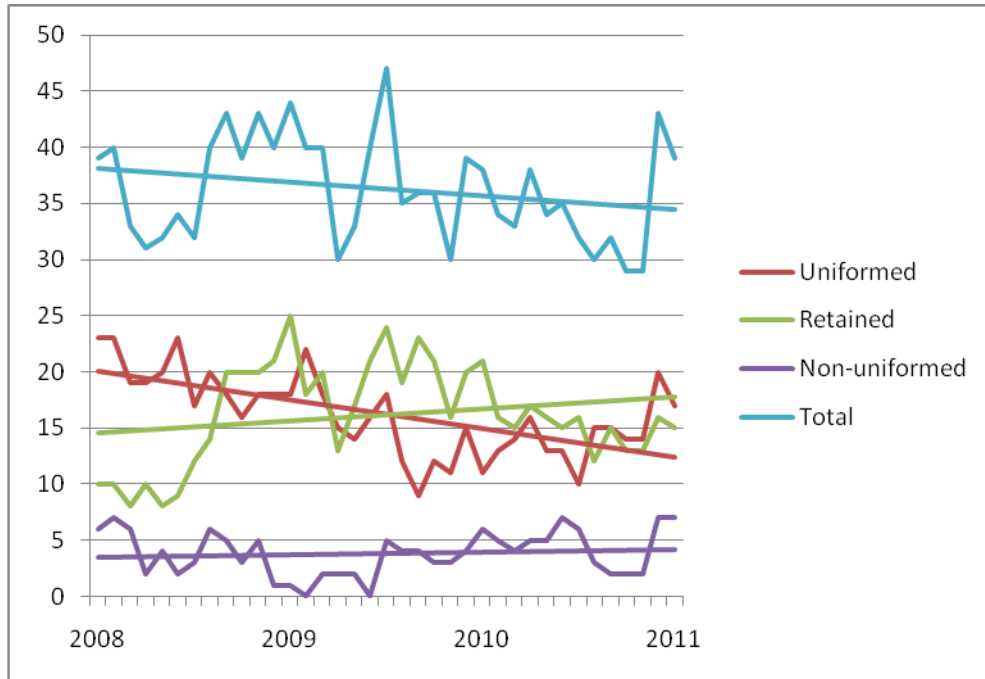


3. DETAILED BREAKDOWN OF LONG TERM SICKNESS

3.1 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. Long term sickness had previously shown an improvement but has increased from February 2011. However, the overall numbers of staff who have been long term sick going back to 2008 still shows a downward trend. Uniformed (Wholetime and Control) show a downwards trend whilst the Non-uniformed and the Retained show an increase in the trend line.

2010/11

Number of staff	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Uniformed	11	13	14	16	13	13	10	15	15	14	20	17
Retained	21	16	15	17	16	15	16	12	15	13	16	15
Non-uniformed	6	5	4	5	5	7	6	3	2	2	7	7
Total	38	34	33	38	34	35	32	30	32	29	43	39



Long-term Sickness 2008 to 2011 – Number of Staff

3.3

The Long term sickness can then be further broken down for staff with absences that have been ongoing for a period longer than 6, 12, 18 and 24 months as requested by members. These have been reported at the last 4 HRMD committee meetings. The performance has been good in this area with the number of cases reducing from 16 to 6 in January but with an increase to 8 in March 2011.

Aug-10

Number of staff	>6 mths	>12 mths	>18 mths	>24 mths	Total
Uniformed	4	0	0	2	6
Retained	2	1	1	3	7
Non-uniformed	2	0	0	1	3
Total	8	1	1	6	16

Nov-10

Number of staff	>6 mths	>12 mths	>18 mths	>24 mths	Total
Uniformed	2	1	0	2	5
Retained	1	1	2	1	5
Non-uniformed	2	0	0	0	2
Total	5	2	2	3	12

Jan-11

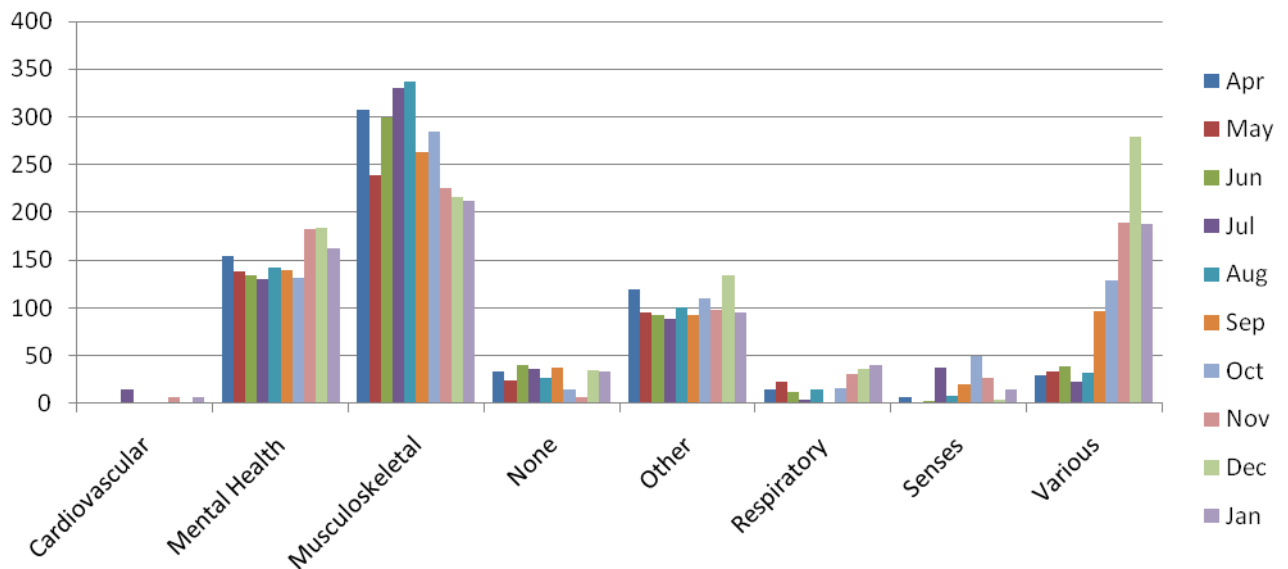
Number of staff	>6 mths	>12 mths	>18 mths	>24 mths	Total
Uniformed	1	0	0	2	3
Retained	0	0	1	0	1
Non-uniformed	2	0	0	0	2
Total	3	0	1	2	6

Mar-11

Number of staff	>6 mths	>12 mths	>18 mths	>24 mths	Total
Uniformed	2	0	0	1	3
Retained	1	0	0	1	2
Non-uniformed	2	1	0	0	3
Total	5	1	0	2	8

4. CAUSES OF ABSENCE

Sickness breakdown by type



4.1 The peak in sickness in December related to a high number of flu cases which was seen across the country; these absences tend to be short to medium term and it was good to see them drop again in January. Musculoskeletal sickness absences are showing a decrease but mental health sickness absence has started to increase and they have a tendency to result in long term sickness.

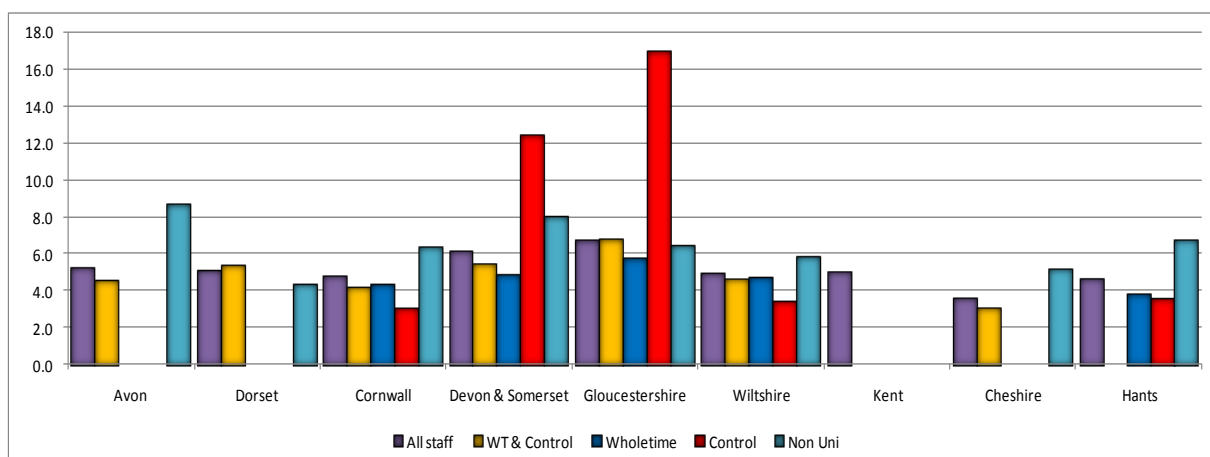
4.2 The main causes of absence remain due to Musculoskeletal problems and include a variety of problems including back, knee, shoulder pain. Mental Health problems continue to show an increase as does the 'various' category. The 'various' category includes colds, flu, dental and sore throats.

5. REGIONAL AND NATIONAL SICKNESS LEVELS

5.1 The Service is only able to get sickness data from other Fire and Rescue Services (FRSs) on a quarterly basis therefore this information relates to the period April to December 2010.

	Avon	Dorset	Cornwall	DSFRS	Gloucs	Wiltshire	Kent	Cheshire	Hants
All staff	5.3	5.1	4.8	6.1	6.7	5.0	5.0	3.6	4.6
WT & Control	4.5	5.4	4.2	5.5	6.8	4.6		3.0	
Wholetime			4.3	4.9	5.8	4.7			3.8
Control			3.0	12.5	17.0	3.4			3.6
Non Uni	8.6	4.4	6.4	8.0	6.4	5.8		5.2	6.7

Sickness by Post Type for Quarter 1 to Quarter 3.



5.2 Not all data is available for each of the services, however for sickness rates for 'all staff'. The Service is second highest in the region and higher than three of the top performing FRSs in the country. The sickness rates for all staff were at 6.1 days lost per person for the first three quarters of the year.

5.3 One of the biggest impacts on sickness is the uncertainty and stress that can be caused by change. This can be identified within Devon and Somerset Fire and Rescue Service (DSFRS), with impacts in both of the Control rooms following changes initially with the creation of the Regional Control Centre (RCC) and subsequently, with the new uncertainty as a result of this project being closed down.

5.4 Non Uniformed sickness is high for all of the services and has seen an increase. Again this has some relation to staff dealing with change and coping with the pressure and stress this can cause.

5. CONCLUSION

5.1 To date, the Service has maintained on track to be below the year end target of 9 days/shifts but has not performed as well as last year.

Jane Sherlock
DIRECTOR OF PEOPLE AND ORGANISATIONAL DEVELOPMENT



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	HRMDC/11/4
MEETING	HUMAN RESOURCES MANAGEMENT & DEVELOPMENT COMMITTEE
DATE OF MEETING	11 APRIL 2011
SUBJECT OF REPORT	STREAMLINING OF ASSESSMENT & DEVELOPMENT CENTRES (ADCs)
LEAD OFFICER	Director of People and Organisational Development
RECOMMENDATIONS	That the recommendations as set out within Section 5 of this report be endorsed.
EXECUTIVE SUMMARY	<p>As the national direction for common ADC processes diminishes this report sets the regional response to this, and summarises the work already undertaken to develop principles and a future ADC approach with specific proposals for DSFRS. The recommended approach for Supervisory and Middle Management ADC's in the future is to streamline these to a 3 exercise model – 2 role plays plus written exercise.</p> <p>This approach was presented to the SMB on 1st February 2011, who agreed for Devon & Somerset to implement the streamlined ADC approach.</p> <p>This approach reflects a process improvement, and additionally will result in longer term savings through increasing the number of candidates who can be assessed at each ADC event, reducing pressure on the assessors, predominantly taken from across operational posts for these events.</p> <p>Next steps agreed were to:</p> <ul style="list-style-type: none"> • Obtain a streamlined ADC toolkit for piloting in the 2011/12 financial year • Carry out a wider review of how we assess technical knowledge across the service.

<p>RESOURCE IMPLICATIONS</p>	<p>New toolkit development – a shared regional cost of around £10,000 assuming all FRS agree to proposals to follow a single model. Split across the 6 services this would mean c £1500 for DSFRS which would be manageable within the existing ADC budget (for 2010/11).</p> <p>Additional time cost requirements for piloting/retraining assessors etc. This is more than offset by a cost saving of typically up to £1,000 per candidate going through the ADC process in the future based on the regional cost model (see section 5 for more detail).</p> <p>Resource implications relating to a wider review of technical assessment will be scoped as this project progresses.</p>
<p>EQUALITY IMPACT ASSESSMENT</p>	<p>ADCs are open to all operational staff regardless of duty system, gender, age etc. These proposals do not affect the existing way in which ADC processes are managed, and individual needs will continue to be accommodated within any part of the ADC process.</p>
<p>APPENDICES</p>	<p>A. Proposed National Principles</p> <p>B. Revised Regional ADC Principles</p>
<p>LIST OF BACKGROUND PAPERS</p>	<p>None</p>

1. **BACKGROUND**

- 1.1 Devon & Somerset FRS (and indeed the former Devon FRS and Somerset FRS) implemented and have been running the national ADCs now for around 5 years over which time the process, principles and systems have become accepted as normal practice for career progression. In August 2008 DSFRS implemented ADCs for RDS staff to provide parity for all operational staff.
- 1.2 Following the change of government, Bob Neill, the new Fire Minister has stated that 'services know best how to recruit and develop their own staff' which has signalled the ending of the original 'national' process providing FRS's more freedom and flexibility to design and use processes which suit their needs. It is also anticipated that as a result, the next national framework document in 2011 will not include any mandated requirement to carry out ADC's following a national common process. However, despite the apparent demise of the national ADC toolkit, it is important to recognise that the PQA framework remains and should still form the backbone of future processes for progression.
- 1.3 In the current economic climate, with increasing cost pressures and a need to streamline functions it is appropriate and timely to review the ADC process which currently is time consuming and costly, although is widely believed to deliver a good outcome in terms of identification of strong managers for our organisations.
- 1.4 With this backdrop, the ADC practitioners in the region have been working together since the summer of 2009 to review the ADC principles and model with the aim of developing a model for assessing the most suitable people for progression in our services. This model will still be underpinned by behaviours (PQAs) but also be more cost and time effective than the current ADC process.

2. **NATIONAL PERSPECTIVE**

- 2.1 The CFOA Strategic People and Organisational Development (POD) group have discussed ADC future at a national level. Additionally, the new fire Minister has publically stated that services know best how to recruit and develop their own staff. Therefore it is unlikely that a nationally mandated ADC process will emerge in the future. Following analysis into the issues surrounding the existing ADC model carried out by Cliff Sears and then much discussion as services started to divert from the national model, this group has now concluded that:
- Many services have moved away from a single national model, and there is unlikely to be any central dictate that reverses this trend
 - The principles underpinning ADC's are good HR practice and can therefore be expressed in a more generic way, and integrated into IPDS
 - Asking Skills for Justice or anyone else to develop further toolsets for the existing ADC model would be counterproductive – as fewer services are using the single model
 - Sharing of practice and models will be key to maintaining some consistency of approach and minimising duplication of costs in the future. This, together with accreditation of toolkits, may be a role that Skills for Justice play in the future.
- 2.2 A draft list of national ADC principles for the future have been written and are now being considered by the IPDS group to integrate within wider guidance. These can be found in Appendix A.

3. **SOUTH WEST REGIONAL PROJECT**

3.1 As mentioned above, within the South West region, a specific project has been underway since the summer of 2010, which has considered and developed the following:

Principles

3.2 Initially a number of principles were developed and agreed regionally relating to the ADC's themselves (e.g. levels at which they will apply, eligibility, links to performance management etc). See Appendix B draft set of regional principles. These are aligned with the national principles but provide more detail. In some cases, some of these were aspirational for some FRS depending on their current processes and practices.

Statistical Analysis

3.3 Sarah Cleaver, an Occupational Psychologist employed within Avon, has carried out some interesting statistical analysis of the existing ADC models. Whilst we would caveat that the sample sizes are initially fairly small, the key findings of the analysis are that:

- The current Stage 1 (ITOP) does not predict who is going to pass the ADC
- For both Supervisory and Middle Management ADC's, the same people could have been chosen/had the same ADC results if just the Role Play and the Multi Role Play exercises were used.

3.5 The next stage of statistical analysis will be to look at the Strategic ADC in detail, although this is more difficult due to the limited data available.

External benchmarking/research on other models

3.6 As part of the regional group's work, current systems and practices in use in other Fire & Rescue Services have been considered, and what other organisations, such as the Police do to identify those for career progression/succession planning.

3.7 Within the Fire & Rescue Services, an interesting model was identified that is being used by both South Wales and Scotland, which is also attracting a reasonable amount of national interest. This model is a 3 exercise model including a single role play, multiple role play, combined with a written exercise. This aligns to the outcome of the initial statistical analysis, whilst additionally including a written element, which services all felt strongly that it was important to include to ensure a reasonable level of written capability.

3.8 The police follow a model which consists of 7 consecutive role plays in an assessment day.

3.9 Another trend that emerged in internal research was the interest in introducing a technical knowledge test at some stage in the process – to ensure that the operational element is effectively covered. At this stage most are considering using technical knowledge as either an initial sift or post-ADC during role specific selection processes.

Consultation & Support

- 3.10 The regional CFOA HRMD committee have been kept apprised of each stage of the regional work, and have given their full support to the project. In addition, a paper was taken to the regional CFOA South West in January 2011 setting out the proposals where it was fully supported.

4. CURRENT SITUATION

- 4.1 As a reminder, and for those unfamiliar with the existing ADC toolkits, the current structure comprises:

Supervisory management level (Firefighter to Crew Manager)

Stage 1 – 2 part written exercise made up of the SJT (situational judgement test – multiple choice) and SimEx (simulation exercise - a timed written exercise broken down into various tasks)

Stage 2 – Full ADC made up of 5 timed exercises: group discussion, performance management role-play (1 to 1), multiple role-play, briefing exercise and in-basket (written) exercise, run over one day

Middle management level (Watch Manager to Station Manager)

Stage 1 – 2 part written exercise made up of the SJT and SimEx

Stage 2 – Full ADC consisting of 5 timed roleplay exercises: group discussion, performance management role-play (1 to 1), multiple role-play, team briefing roleplay and an in-basket (written) exercise, run over one day

Strategic management level (Group Manager to Area Manager)

Stage 1 – a timed 2 part written in-box exercise

Stage 2 - Full ADC consisting of 5 exercises: internal roleplay, external roleplay, multiple roleplay, analysis briefing report (written), analysis briefing and group discussion, run over one and a half days

In-band processes (Crew Manager to Watch Manager and Station Manager to Group Manager)

The national ADC toolkit provides for a two part structured interview for those wishing to progress within a managerial band. Within DSFRS, the current process for CM to WM is being run in accordance with the pilot arrangements as agreed by SMB in November 2009 (first stage in written form, second stage as structured interview), which also form part of the regional recommendations.

5. RECOMMENDATIONS

Regional Recommendations

- 5.1 The regional recommendation is to proceed with the 3 exercise model for ADC's (written exercise, single role play, multiple role play) with a view to piloting and introducing such a model as a pilot for Supervisory and Middle Management ADC's during 2011/12.

5.2 There is still discussion regarding the stage 1 (sift) process, with the possibility that more than one approach may be trialled with different FRS in the region. In some cases FRS will not potentially need to use a sift, and may therefore choose to take all candidates through the streamlined stage 2, although this may not enable them to achieve the maximum benefit from streamlining in terms of resource savings. Areas where practices may differ regionally include:

- **Stage 1/Sift Process** - the two main options under consideration are:
 - i. Technical knowledge assessment (the Employee Development group will be developing a framework for the use of question banks for this purpose); and
 - ii. Using the written test (from the ADC) as a sift in advance of the other two ADC elements being tested
- **Format/content of the written exercise** - the main options being considered here are:
 - i. a project based report carried out in an individuals' own time (which Avon FRS are currently piloting at Middle Management level) or
 - ii. A timed/exam conditions written exercise which includes writing a document in response to a case study exercise (which the majority of the regional FRS prefer).

Recommendations for DSFRS

Stage 1

5.3 With the sort of ADC applicant numbers DSFRS is used to receiving, the option of not having a sift process would not be feasible and more importantly, would not maximise the benefit of implementing a streamlined process in terms of releasing resources and reducing cost. On the basis of the statistical analysis, it would also not be an option to continue running the stage 1 in the current format.

5.4 It is therefore recommended that stage 1 is a test of technical knowledge. Whilst not a predictor of success at stage 2, this would offer a number of benefits, including:

- an additional measure in ensuring that staff have the required level of underpinning technical knowledge to carry out their role, an area which has caused some concern since the removal of the FSEB examinations
- reasonably quick and simple to run (using question banks and electronic systems eg. CPS), meaning that start to finish timescales for ADCs can be reduced, large numbers of applicants can be processed at a time, and marking is automated and instant
- removes the need for a technical assessment at the point of selection (for successful ADC candidates)
- is 'learnable' and easy to identify what unsuccessful candidates would need to focus on in order to pass in the future
- can provide valuable service-wide information on levels of technical knowledge to inform future workstreams and projects
- credit can be given to those holding IFE examinations, giving them direct access to stage 2 without having to sit stage 1 – this may in turn encourage more voluntary take up of examinations by staff (may need to consider validity periods for exams due to no CPD requirement from IFE)

- by being the route to stage 2, it would encourage a significant number of staff to revise and study in preparation, which in turn, would improve service-wide levels of technical knowledge
- puts more of a balance between technical knowledge and behavioural competence back into the process
- is likely to act as a self de-selection tool as candidates will decide not to apply rather than need to revise technical knowledge, where they are not prepared to put in the pre-work

Stage 2 (ADC)

5.5 It is recommended that stage 2 comprises a streamlined ADC process in accordance with the regional recommendations. This would include a single role-play, multiple role-play and a written exercise assessed against the PQAs, following the models in use in South Wales and Scotland. Benefits of this include:

- reduced time, cost and resources spent on ADCs (potential for up to 18 candidates to be assessed on one day, 3 times as many as currently with the same number of Assessors)
- maintaining the use of the exercises with the most proven statistical validity
- tools already available to purchase (although requires minor customisation) from South Wales FRS, with potential for future collaboration in developing and purchasing new tools
- cost of purchasing new tools shared regionally
- ability to continue working regionally, collaborating and providing ADC services to others where possible (through the trading arm)
- time requirement for staff to attend ADC reduced (making it much more accessible to RDS staff)
- time requirement for Assessors to attend ADC reduced
- allows for the written paper to be undertaken separately to the role-plays, reducing pressure on candidates, allowing for more flexibility in terms of arrangements and enabling large numbers to sit the written paper at any one time

In-band Processes

5.6 It is recommended that DSFRS continues to run the revised 2-stage process as outlined in the SMB paper in late 2009, with stage 1 as a written assessment and stage 2 as a structured PQA interview.

5.7 In summary, the recommendations for adoption by DSFRS are as follows: that the Regional ADC Forum recommendations be followed, namely:

- (a) To implement a brief '3 exercise model' for supervisory and middle management levels ADCs
- (b) To develop and use a technical knowledge assessment as a sift mechanism (Stage 1)
- (c) To continue to run the in-band processes in line with recommendations agreed by SMB in November 2010
- (d) To contribute to regional work to carry out further statistical analysis on Strategic ADC's to develop a similar appropriate model for this ADC level

6. **COST AND RESOURCE IMPLICATIONS**

Potential savings

- 6.1 A regional cost model for each ADC place was developed several years ago, which is used for charging places across services where appropriate. It includes costs of assessors, estimated accommodation costs etc.
- 6.2 Based on this model, the current, full ADC model of 6 exercises has a cost per place of:
- £1,800 for Supervisory Management
 - £2,000 for Middle Management
 - £2,600 for Strategic Management.
- 6.3 This cost assumes that a full 6 candidates attend each ADC day. However, it should be noted that a venue cost has been factored into this model, and DSFRS currently use Severn Park as the venue for all ADCs using training points rather than cash. This needs to be considered in terms of potential savings. Furthermore, costs include a monetary value for an assessor, whilst the majority of assessors used for DSFRS ADCs are internally trained staff therefore the saving is more about releasing their capacity and time spent assessing.
- 6.4 On the basis of the streamlined model processing up to 18 candidates in a single day requiring 9 assessors, early estimates using the regional costing model are that this could reduce the cost per head per ADC by over 50%. For example:
- current costs for a single Supervisory ADC event covering 6 candidates are around £10,000* making cost per candidate around £1660
 - under the proposals would cost closer to £14,000* due to increased assessors and role actors but would cover up to 18 candidates, making the total cost per candidate around £800
- * based on regional costing model which includes venue costs which for DSFRS are paid in training points not cash*

Purchasing toolkits

- 6.5 Adopting the 3 exercise model requires purchasing existing toolkits and customising to suit our local needs. These costs are likely to be as follows: (bear in mind that these costs are for the region)
- Supervisory Management: £4,500
 - Middle Management: £4,500
 - Strategic has not yet been scoped, but early estimates would indicate around £6,000
- 6.6 Following discussions within the region, it has been agreed that assessor training/familiarisation on the new toolkits can be carried out regionally at no additional cost
- 6.7 Total external costs would therefore be in the region of £15,000.

6.8 Therefore if all 6 services agree to purchase the same model collaboratively, the total cost for each service would be around £2,500. This would be recouped in savings from any single ADC event under the new structure. However at this stage it is proposed that the supervisory and middle management tools are purchased, with a view to reviewing and scoping needs at strategic level in the coming months prior to making a decision on requirements. Therefore costs for the current financial year would be £1500.

7 **OUTCOME**

7.1 On 1st February the proposals above were presented to the SMB and they agreed to implement all of the recommendations made above.

7.2 Next steps agreed were to:

- Obtain a streamlined ADC toolkit for piloting in the 2011/12 financial year
- Discussion also prompted the requirement to more widely carry out a review of how we assess technical knowledge across the service, considering how this integrates with the ADC process and wider assessment of competence.

JANE SHERLOCK

Director of People and Organisational Development

Recommended Common National Career Progression/ADC principles

- The Job Description and Person Specification should be reviewed as part of an annual performance appraisal process.
- The outcome of the performance appraisal process will identify the individual's readiness for promotion/ progression.
- The performance appraisal (and therefore career progression) will be based upon a combination of 'what' an individual knows and achieves and 'how' an individual achieves it. i.e. it should cover
 - competence in role (skills, knowledge etc)
 - competencies displayed at work (behaviours exhibited compared to pre-agreed standards such as personal qualities and attributes/service values or a combination of both); and
 - performance (how successful individuals are in delivering their job).
- If a Services' Workforce Plan identifies the need to create a talent pool from which to select candidates for promotion before posts are available, then potential should be identified using some form of assessment process.
- If this is not the case then the assessment process should be designed to select directly for the specific job(s) in question.
- Individuals may be given the opportunity to develop prior to the selection for future roles or be expected to develop within role depending on workforce needs. Service development opportunities should be openly communicated to all employees.
- Individuals must be competent in their current role (as defined by workplace assessment protocols), before progression.
- Access to assessment and selection process must be fair and transparent and use objective assessment criteria.
- All assessment processes must follow assessment best practice and be quality assured e.g. designed by trained and qualified professionals, use trained assessors, offer feedback to all candidates and maintain data confidentiality.

SOUTH WEST REGIONAL ADC PRINCIPLES

- The outcome from the performance appraisal process will identify readiness for promotion/progression.
- Assessment and Development Centres will continue to be used in the region, where required by services' strategic workforce plans.
- ADC's are not about identification of 'potential' but rather about identifying the most suitable individuals to develop further at that point in time, based on service needs.
- Behaviours, as currently defined by the PQA's, will underpin the ADC model
- Following ADC's, there will a development phase, which will normally take place before promotion.
- Once individuals have commenced development for a future role there is no need for them to 'retake' an ADC (i.e. validity periods become irrelevant).
- Selection for a post normally follows the development of an individual (although services have the flexibility to develop in post if appropriate).
- Post specific selection processes will apply based on individual service needs.
- ADC's will be used to progress between Firefighter and Crew Manager; Watch Manager and Station Manager; and Group and Area Manager levels.
- For progression between Crew and Watch Manager; and Station and Group Manager roles, individuals will be asked to submit a PQA application form in advance of role specific selection processes.
- Where an individual has already successfully completed an ADC to attain their current substantive post, the PQA application process for in-band is optional (for FRS's)
- For an individual to be eligible to apply for an ADC they must be competent in the role immediately below the ADC level to which they are applying.
- Similarly for an individual to be eligible to apply for a promotion, they must be competent in the role immediately below the role level to which they are applying.
- Individuals who are not performing at expected levels (as assessed at a performance appraisal or ongoing basis) or who are undergoing a disciplinary procedure, are not eligible to apply for ADC's or promotional posts.
- Services have the option to include a form of technical assessment at ADC in addition to the behavioural exercises. [Note this may form the initial sift stage]
- All PQA's will be measured at least once during the ADC process (best practice is twice).
- An overall assessment of performance at ADC will include assessment of the application/sift stages in order to give a complete picture of current abilities.
- All ADC's will apply to both wholetime and retained duty system staff. Services may choose to offer to other staff for development purposes if this fits with their workforce progression and development plans.
- Management of the ADC's will follow best practice as laid down by the BPS (e.g. use of trained assessors, centre managers, offering feedback to all candidates, right of appeal, data protection etc).

DEVON & SOMERSET FIRE & RESCUE AUTHORITY



REPORT REFERENCE NO.	HRMDC/11/5
MEETING	HUMAN RESOURCES MANAGEMENT & DEVELOPMENT COMMITTEE
DATE OF MEETING	11 APRIL 2011
SUBJECT OF REPORT	RETAINED DUTY SYSTEM: OUTCOME FROM PART-TIME WORKERS REGULATIONS EMPLOYMENT TRIBUNAL
LEAD OFFICER	Director of People and Organisational Development
RECOMMENDATIONS	<i>That the report be noted.</i>
EXECUTIVE SUMMARY	<p>There were Employment Tribunal test cases in two authorities (Kent and Royal Berkshire) which had originally been raised under the part-time Workers (Prevention of Less Favourable Treatment) Regulations in 2001. These test cases have been subject to the Employment Tribunal, Employment Appeal Tribunal, Court of Appeal and House of Lord processes returning finally at the request of the House of Lords to the original Employment Tribunal again for re-consideration and determination.</p> <p>The Tribunal found in favour of the retained firefighters (who were supported by the Fire Brigades Union) and since then the parties, at the request of the Tribunal, have sought to negotiate a settlement. This complex work has now been completed and formal agreement has been reached. This will result in a compensation payment for those staff affected and in order to comply with the Regulations from the end of the compensation period there have been amendments to the Grey Book.</p>
RESOURCE IMPLICATIONS	The financial implications are included within the appropriate section within the main body of the report.
EQUALITY IMPACT ASSESSMENT	None
APPENDICES	None
LIST OF BACKGROUND PAPERS	None

1. INTRODUCTION

- 1.1 Following the introduction of the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations in 2000 there were multiple claims from Retained Firefighters made throughout the UK Fire & Rescue Services in relation to the regulations. There were approximately 12,000 claimants supported by the Fire Brigades Union (FBU) and 2,500 claimants supported by the Retained Firefighters Union (RFU). It was subsequently agreed that for the claims supported by the FBU, there would be Employment Tribunal test cases in two authorities namely Kent and Royal Berkshire which were identified in 2001. The remaining FBU cases were stayed pending the outcome of the test cases as were those claims separately lodged by members of the RFU. These test cases have been subject to the Employment Tribunal, Employment Appeal Tribunal, Court of Appeal and House of Lord processes returning finally at the request of the House of Lords to the original Employment Tribunal again for re-consideration and determination in 2008.
- 1.2 The judgement found that the claimants were engaged in broadly similar work to their named comparators and that they were treated less favourably in respect of access to pension rights and payment for sickness absence. The tribunal also indicated that it believed the parties should endeavour to reach a negotiated settlement. This complex piece of work has now been completed and formal agreement has been reached. This will result in compensation payments for those staff affected and in order to comply with the Regulations from the end of the compensation period there have been amendments to the Grey Book.

2. NEGOTIATED SETTLEMENT

- 2.1 Following a protracted negotiation period, the terms of the settlement were agreed along with how individual employees will be advised of the outcome and how the stayed claims will be withdrawn. The service is required to provide the staff data for those employed within the Retained during the reference period (1 July 2000 to 30 June 2010) to a third party organisation called Popularis who will handle the communications and who will ensure compliance with the Data Protection Regulations.
- 2.2 The Service is required to provide this information within 35 days of the agreement made on the 8 March 2011. The claimants will then be informed of their settlement calculation and will need to confirm their acceptance of the settlement to the FBU. This is because it was a multiple claimant Employment Tribunal and all individual claimants need to withdraw their claim. Other staff who did not make a claim or are non-union claimants will also need to confirm their acceptance via the Authority. The mechanism includes two reminder opportunities to eligible past and present employees.
- 2.3 The compensation payment is pro-rata to length of service within the reference period, rank/role and level of cover based on a particular date - which for those holding employment status currently will be the 30 June 2010 or if they have previously left the Service then on the date of leaving. The maximum levels of payment are:

Firefighter	£750
Leading Firefighter/Crew Manager	£778
Sub-officer and Station Officer/Watch Managers	£806

- 2.4 If a Retained employee has left the Service since 30 June 2010 and had not previously presented a claim then they are no longer eligible. The minimum level of compensation will be £150.
- 2.5 Negotiations are continuing with the RFU on the matters of the settlement and mechanism for withdrawal of RFU ET cases. Therefore the agreement does not at present apply to employees who are members of the RFU. They will not therefore yet receive a compensation payment but it is expected that agreement will soon be reached.
- 2.6 The agreement provides a full and final settlement of the Terms and Conditions Claims and in respect of any claims arising out of the Grey Book in respect of the following matters:
- Sick leave
 - Acting-up allowance
 - Pay for public holidays
 - End of course leave
 - Trade union leave
 - Overtime
 - Spoiled meals allowance
 - Removals/lodging allowance
 - Recall to duty
 - Payment during suspension
 - Payment during maternity support leave
 - Special leave
 - All other claims or potential claims under the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations arising out of the 6th edition of the Scheme of Conditions of Service of the National Joint Council for Local Authority Fire and Rescue Services (and its predecessors) up to 30 June 2010.
- 2.7 The agreement is not in settlement of the Pensions Claims which will be subject to a separate agreement between the FBU and the Secretary of State for Communities and Local Government.

3. AMENDMENTS TO THE GREY BOOK

- 3.1 The National Joint Council have also issued amendments to the Grey Book in order to ensure compliance with the Regulations from the end of the settlement reference period of the 1 July 2010. These changes have been developed with the assistance of advisers and legal representatives in order to ensure compliance with the Part-time Worker Regulations. This includes changes around the following:
- Attendance on training courses
 - Acting up payments
 - Public holiday leave and payments
 - End of course leave

- Trade union facilities ie payment for attendance at joint consultative or negotiating meetings
- Maternity pay
- Sick leave ie payment
- Payment whilst suspended under the disciplinary procedure
- Reimbursement of Medical charges if employed prior to the 1 November 1994

4. FINANCIAL IMPLICATIONS

4.1 The estimated cost in settlement of the claim is £643,000, including settlement for RFU members, which is expected to be agreed soon.

4.2 Members may recall that that the Authority had previously set aside an amount of £949,000 into a financial Provision to fund the **total** cost of the settlement. At this time, without knowing the impact of the pension settlement we are unable to determine whether we have set aside sufficient reserves. Based on this latest position, indications are that the Provision will need to be increased to provide sufficient funds to cover the pension settlement at a future date. The Treasurer will need to take a view, when finalising the Accounts for 2010-11, as to how much the Provision will need to be increased by, in light of the latest position at that time. An update on the financial implications will be reported to the next meeting of the Resources Committee to be held on the 18 May 2011.

5. CONCLUSION

5.1 This has been a long-standing matter which has now been resolved from a National Joint Council perspective, however, the pension claim remains outstanding.

Jane Sherlock
DIRECTOR OF PEOPLE AND ORGANISATIONAL DEVELOPMENT

DEVON & SOMERSET FIRE & RESCUE AUTHORITY



REPORT REFERENCE NO.	HRMDC/11/6
MEETING	HUMAN RESOURCES MANAGEMENT & DEVELOPMENT COMMITTEE, PART 2
DATE OF MEETING	11 APRIL 2011
SUBJECT OF REPORT	REGIONAL CONTROL CENTRE (RCC) STAFFING UPDATE
LEAD OFFICER	Director of People and Organisational Development
RECOMMENDATIONS	<i>That the report be noted.</i>
EXECUTIVE SUMMARY	<p>The Authority has previously agreed the levels of redundancy multiplier that can be used within the Service which has enabled the Service to progress with collective and individual consultations with those staff whose positions have been placed “at risk” as a result of the closure of the Regional FiReControl/Regional Control Centre (RCC) project and other regional staff employed by Devon & Somerset Fire & Rescue Service. This resulted in 31 staff being placed “at risk”.</p> <p>The Service has ring-fenced existing vacancies initially to those staff who have been placed “at risk” to date 12 staff have been offered alternative positions or in the case of Control, extensions to fixed-term contracts.</p> <p>The Service has also sought volunteers who wish to express an interest in voluntary redundancy in accordance with Service policy on Reorganisation, Review, Redeployment and Redundancy. There were 54 expressions of interest but at this stage the expressions of interest were either not suitable positions for staff “at risk” or the financial costs were prohibitive in comparison to the staff “at risk” who in many cases were on fixed-term contracts.</p> <p>The Service could, however, consider further requests for early retirement or retirement on the grounds of efficiency and will continue to explore such options in the future.</p>
RESOURCE IMPLICATIONS	The costs of these redundancies will be met by the Communities and Local Government Department.

EQUALITY IMPACT ASSESSMENT	None
APPENDICES	None
LIST OF BACKGROUND PAPERS	None

1. INTRODUCTION

1.1 The Service has previously raised with Members, the issue of the redundancy multiplier to be used where there may be compulsory or voluntary redundancies and this was agreed by the Devon and Somerset Fire and Rescue Authority at its meeting on 14 February 2011 (Minute DSFRA/61 refers) as follows:

- That, once the redundancy multiplier is determined by the Authority, it should be reviewed at least annually to take into account budgetary and financial issue
- That a multiplier of 2 be adopted, to use in calculating redundancy payments arising from either compulsory or voluntary redundancies; and with a view to applying this multiplier in relation to staff eligible to join the Local Government Pension Scheme i.e, non-uniformed and Control staff plus operational staff at Station Manager or above who have retired and been re-employed.
- That a multiplier of 2.5 be adopted, to use in calculating redundancy payments arising from either compulsory or voluntary redundancies for those “at risk” staff in the Temporary Staff Pool arising from the Regional Control Centre (RCC), other regional staff employed by Devon and Somerset Fire and Rescue Service, appropriate RCC Project Team staff and other staff given notice up until the 31 March 2011.
- That it be noted that on the basis of advice received to date, it would appear that other uniformed staff not conditioned to the Local Government Pension Scheme have no entitlement to an enhanced redundancy payment.

1.2 This decision has enabled the Service to progress with collective consultations with the relevant Trade Unions and also the individual consultations with those staff “at risk” of redundancy.

1.3 The reason for placing staff “at risk” is as a result of decisions following the 2010 Comprehensive Spending Review (CSR) and the government decision over the Regional FiReControl/Regional Control Centre (RCC) project.

2. COLLECTIVE CONSULTATION

2.1 Since there were more than 20 positions identified as being potentially redundant the Service was required by the Trade Union and Labour Relations (Consolidation) Act 1992, section 188(4) to undertake collective consultations with the Unions and provide the relevant information in accordance with the Act. There was also a requirement for this information to be detailed within an HR1 form to be sent to the Secretary of State.

2.2 This resulted in the Service placing 31 members of staff “at risk”. The collective discussions with the Trade Unions were amicable and this was assisted by the members agreement on the level of redundancy multiplier to be applied up until the 31 March 2011 which resolved the most contentious issue. The Trade Unions did request that the Service seek volunteers for redundancy in accordance with the Service policy on Reorganisation, Review, Redeployment and Redundancy and this was agreed by the Service.

2.3 The Collective consultations were completed after a 30 day period which ended on the 4 March 2011.

3. INDIVIDUAL CONSULTATION

- 3.1 As well as collective consultation, there is a requirement for individual consultation and each employee placed "at risk" has had an initial meeting to discuss the situation. The employee has the right to be accompanied by a work colleague or trade union representative at the meetings and has the opportunity to make any representations in relation to the provisional selection for redundancy and discuss any alternative proposals that could avoid the redundancy. If there are issues raised then this is considered by the Service before a final decision is taken. The Service has also provided these "at risk" employees with details of vacancies that have arisen in the organisation. If an employee is interested in being considered for alternative positions then a suitability interview will be held. Where there is more than one employee who is interested then there will be a competitive process. As part of the individual consultation, where there are additional matters to discuss there have been further meetings.
- 3.2 Once a decision is made concerning the selection for redundancy, there is a further meeting to confirm this decision and to place the employee on notice of redundancy. Whilst under notice the Service has continued to seek alternative positions for the "at risk" employees. There were 31 staff placed "at risk" and of these there are 12 who have so far been appointed. This includes 7 control staff who were previously on fixed-term contracts which have been extended. This will enable sufficient control staff to remain in place until the Authority is able to consider the options for our future mobilising arrangements.

4. VOLUNTARY REDUNDANCIES

- 4.1 The Service has in accordance with the Service policy on Reorganisation, Review, Redeployment and Redundancy (4Rs) sought expressions of interest for voluntary redundancy where there was a possibility that there could be volunteers whose position could provide a re-deployment opportunity for a member of staff whose position was at risk of redundancy. There were 54 such expressions of interest from staff within Control, Support Staff (Non-uniformed) and Watch Managers as there are 2 fixed-term Watch Managers who are "at risk".
- 4.2 Members of the Senior Management Board reviewed the list of expressions of interest in accordance with the 4Rs policy which sets out the criteria that will be used to determine whether any expression of interest would be taken further. These are as follows:
- Whether the post would be suitable for redeployment of an employee who may be at risk of redundancy;
 - Whether retraining and/or development would be necessary and whether this would be cost effective;
 - Whether any consequent delay in filling the post would be acceptable; and
 - Whether the financial consequences would be acceptable.
- 4.3 Having considered the criteria, the Service was unable to take any of the expressions of interest forward at this time as they either did not meet the first or fourth criteria. Some of the potential volunteers who are 55 years or over, and within the LGPS could also be considered for early retirement or retirement on the grounds of efficiency and the Service may in the future consider such requests.

4.4 As the Service progresses with the Change and Improvement Programme this is likely to result in an overall reduction in the numbers of staff within the Service. At this point, it has not been determined how this will be achieved and options will be considered as and when appropriate for the organisation.

5. **CONCLUSION**

5.1 At this stage, all “at risk” staff have either been offered alternative positions or placed on notice of redundancy. The individual position for these staff has been difficult but the Service representatives have handled these as sensitively and professionally as possible.

Jane Sherlock
DIRECTOR OF PEOPLE AND ORGANISATIONAL DEVELOPMENT