

**M. Pearson
CLERK TO THE AUTHORITY**

**To: The Chair and 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)

Monday 23 January 2012

A meeting of the Human Resources Management and Development Committee will be held on the above date, **commencing at 14:00 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** of the meeting held on 11 November 2011 attached (Page 1).
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 and Health of the Organisation**

Report of the Director of People and Organisational Development (HRMDC/12/1) attached (page 4)

6. **Retained Duty System: Outcome from the Part Time Workers Regulations Employment Tribunal**

Report of the Director of People and Organisational Development (HRMDC/12/2) attached (page 14)

7. **Strategic Workforce Planning**

Report of the Director of People and Organisational Development (HRMDC/12/3) attached (page 19)

8. **Exclusion of the Press and Public**

RECOMMENDATION 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 Paragraphs 3 and 4 of Part 1 of Schedule 12A (as amended) to the Act, namely:

- Paragraph 3 - information relating to the financial or business affairs of the Authority, and;
- Paragraph 4 – information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations matter arising between the Authority and its employees.

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

9. **Review of the Redundancy Multiplier**

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

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership:-

Councillors Cann (Chair), Bown, Boyd, Brooksbank, Burridge-Clayton, Horsfall and Wright.

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)

11 November 2011

Present:-

Councillor Cann (Chair), Bown, Boyd, Brooksbank and Wright

Apologies:-

Councillors Burrige-Clayton and Horsfall

The Chairman indicated that, at 11.00hours, the Committee would be joining with staff by the Flag Pole in front of Devon House for the two minute silence to mark the Armistice Day Remembrance.

***HRMDC/19. Minutes**

RESOLVED that the Minutes of the meeting held on 3 October 2011 be signed as a correct record.

***HRMDC/20. 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 declare any such interests at this time.

No interests were declared.

***HRMDC/21. Absence Management and Health of the Organisation**

The Committee received for information a report of the Director of People and Organisational Development (HRMDC/11/12) that set out details of the Service performance in respect of sickness absence and which also highlighted aspects linked to the Health of the Organisation. The areas covered included:

- 2011/12 sickness absence performance – the current level for 2011/12 was 3.89 days/shifts lost per person compared with the year when it was at an average of 3.67 days. This showed performance had declined by 5.8% for the same period in 2010/11, albeit that this was still an improvement to the position reported to the Committee at the previous meeting..
- Breakdown of long term sickness absence – there had been a significant increase in long term sickness absence over the period March to May 2011 which represented the highest levels since April 2008 but this dropped from June 2011 and is now more stable. The number of staff on long term sickness over 6 months had been 8 for six months but had increased to 10 staff in September 2011.
- Safety events – the number of safety events resulting in personal injury had decreased from 79 to 60 during the period 1 April 2011 to 30 September 2011 representing a decrease of 24%. Conversely, the number of days lost due to personal injury had increased from 341 to 368 over the same period.

- Mental health - it was recognised that stress was now the most common cause of long term sickness absence in the UK, with over half of public sector organisations reporting an increase in stress related absence over the last year. Within DSFRS, mental health has been second only to musculoskeletal as the highest cause of absence. It was noted that the level of counselling had increased dramatically in Somerset from 145 sessions in 2009/10 to 304 sessions in 2010/11 (an average of 4.6 sessions per person) but work was to be undertaken with the Counselling Service to see if any trends could be identified. The Well@Work Group was continuing to make strides in its work on stress management.
- Staff turnover – the level of staff turnover had dropped in 2011/12 in line with expectations as a result of the economic climate. The Service had lost 98 retained staff in 2010/11, however, due to a variety of reasons but notably personal reasons (32%) and no reason (20%). Exit interviews were carried out but the need to probe into these reasons more deeply was acknowledged.
- Discipline and grievance – there was no real trend to report in respect of discipline and grievance cases, with around 30 cases a year typically.
- Collective relationships – despite the threat of national industrial action relating to proposed pension changes (Minute HRMDC/22 below also refers), collective relationships were generally good.

***HRMDC/22. Consultation on Changes to the Firefighters' Pension Scheme and the New Firefighters' Pension Scheme**

The Committee considered a report of the Director of People and Organisational Development (HRMDC/11/13) that provided information in respect of a consultation being undertaken by the Department for Communities and Local Government (CLG) in respect of the Firefighters' Pension Scheme (FPS) and the New Firefighters' Pension Scheme (NFPS) and which sought a response on a number of questions posed within the document.

At this point, the Chair agreed to circulate documentation put forward by the Fire Brigades' Union at the meeting which suggested that, following a survey of its members, there may be a 27% drop out rate from the Schemes which could cost £283million in lost contributions. Taking this against the increase in contributions, FBU had suggested that this would result in a net loss of £210million.

The Director of People and Organisational Development stated that the Government had announced changes to the proposals for the pension schemes after the consultation document had been issued and that the Service needed to consider this and to be cautious in its response as a result. It was suggested that, in the light of this, the draft response that had been circulated with the papers should be amended and that this could be circulated to Members of the Committee for information. Councillor Boyd proposed (and Councillor Bown seconded):

“that the Director of People and Organisational Development, in consultation with the Chair of the Human Resources Management and Development Committee, be authorised to respond to the Department for Communities and Local Government (CLG) consultation on the changes to the Firefighters’ Pension Scheme and the New Firefighters’ Pension Scheme”.

The motion was carried unanimously.

RESOLVED that the Director of People and Organisational Development, in consultation with the Chairman of the Human Resources Management and Development Committee, be authorised to respond on behalf of the Authority to the Department for Communities and Local Government (DCLG) consultation on the changes to the Firefighters’ Pension Scheme and the New Firefighters’ Pension Scheme.

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

The meeting started at 10.00hours and finished at 10.45hours



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	HRMDC/12/1
MEETING	HUMAN RESOURCES MANAGEMENT & DEVELOPMENT COMMITTEE
DATE OF MEETING	23 JANUARY 2012
SUBJECT OF REPORT	ABSENCE MANAGEMENT & HEALTH OF THE ORGANISATION
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) Committee agenda. This report includes an update of the Service performance for absence levels. In addition, the Committee have sought to consider wider aspects which are linked to the overall health of the organisation.
RESOURCE IMPLICATIONS	
EQUALITY RISK & BENEFITS 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 as they affect the efficiency and the effectiveness of the Service. The Human Resources Management and Development (HRMD) Committee have therefore determined that this measure will be monitored and reviewed as a standing item.

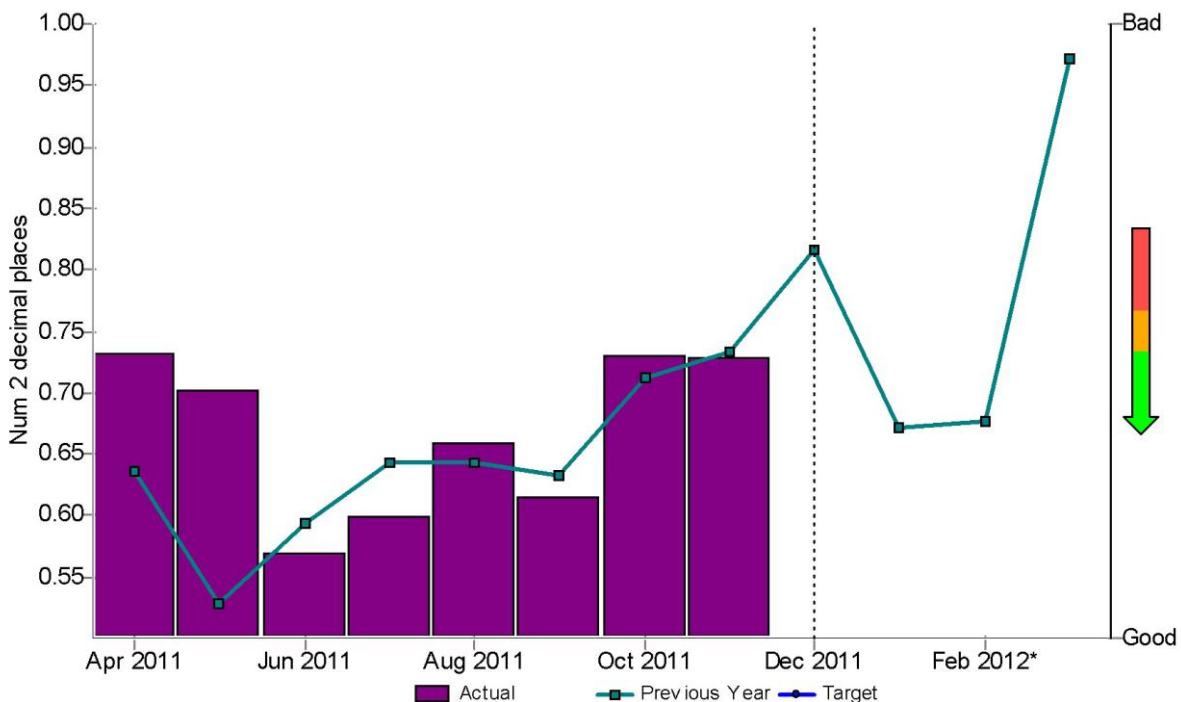
1.2 The 'Health of the Organisation' relates to the wider health of the organisation as a means of monitoring people aspects which could be inextricably linked. The key aspects of consideration are the safety event rates, the levels of discipline and grievances cases, any trends in bullying and harassment, the turnover of staff, the levels of stress and referrals to counselling and the collective relationships with unions. The health of the organisation encompasses the 'psychological' safety of the organisation. 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 as to why 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.

2. **2011/12 ABSENCE PERFORMANCE**

2.1 The current actual level for 2011/12 is 5.33 days/shifts lost per person compared with the previous year when it was as at an average of 5.12 days per person. In previous committee meetings we had reported that we were 12.7% worse than the previous year and this then dropped to 5.8%. We are now 4.2% worse than the previous year. This improvement has been due to lower levels of absences within Control and non-station based Uniformed staff.

All Staff – Sickness Rates per Person – by Month

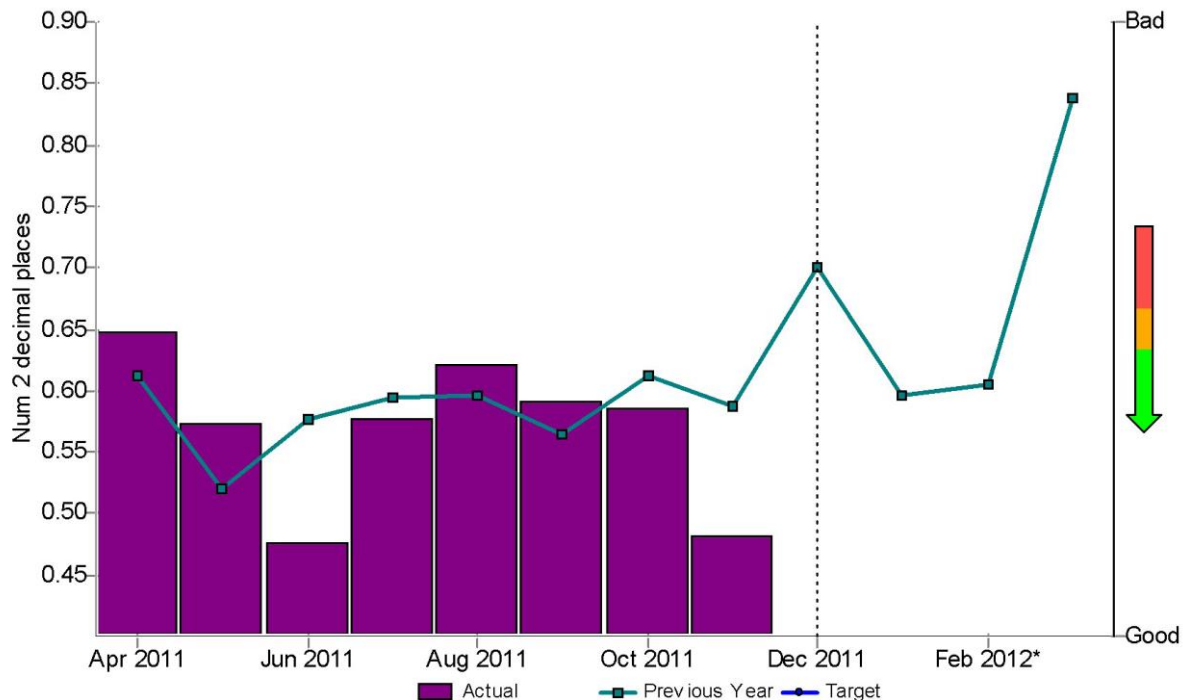


	Actual 11/12	Previous Year 10/11	% variance on previous year
Apr-11	0.73	0.64	(15.1%)
May-11	0.70	0.53	(32.8%)
Jun-11	0.57	0.59	4.2%
Jul-11	0.60	0.64	6.8%
Aug-11	0.66	0.64	(2.4%)
Sep-11	0.61	0.63	2.9%
Oct-11	0.73	0.71	(2.6%)
Nov-11	0.73	0.73	0.9%
Dec-11		0.82	
Jan-12		0.67	
Feb-12		0.68	
Mar-12		0.97	
YTD	5.33	5.12	(4.2%)

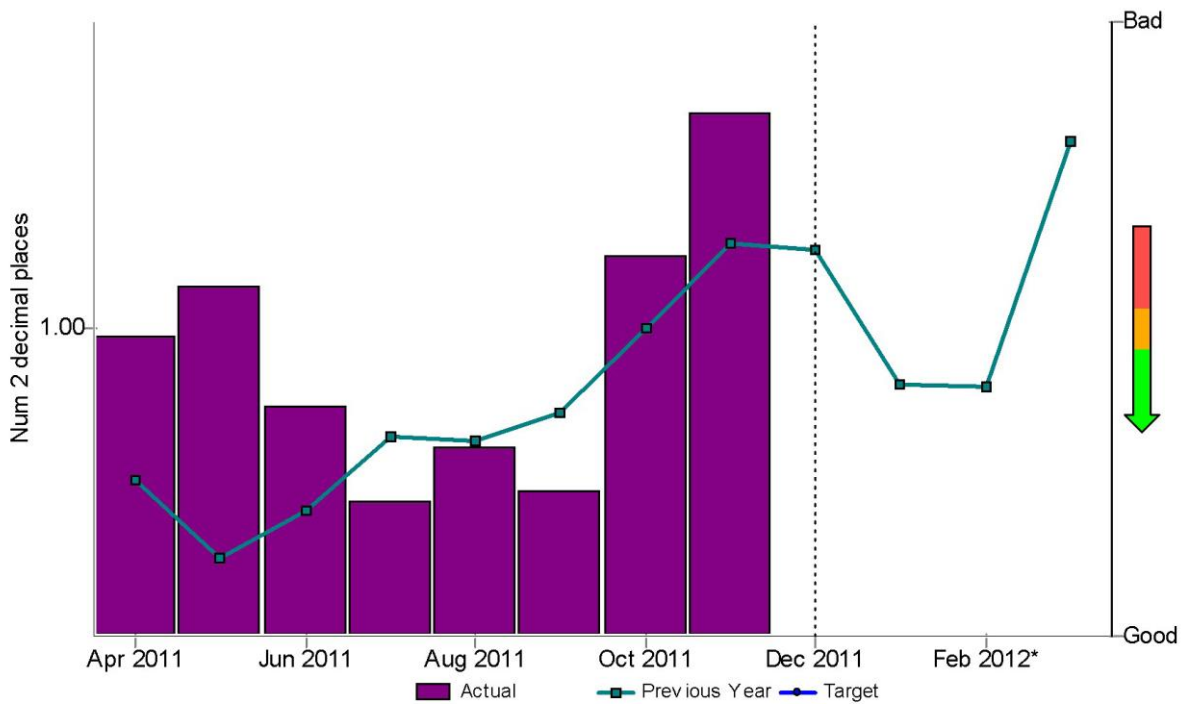
2.3

The Service can break down the figures by staff category and the rates for Uniformed, Control and Support staff are shown below. It is encouraging to see that in Control, absence levels have consistently been lower than the previous year (by 25.2%). For Uniformed staff the non-station based staff are down by 34.4% on the previous year whilst station based staff are up 13.6%. Previously the Support staff were showing an improvement but October and November have left them 17.4% worse than the previous year.

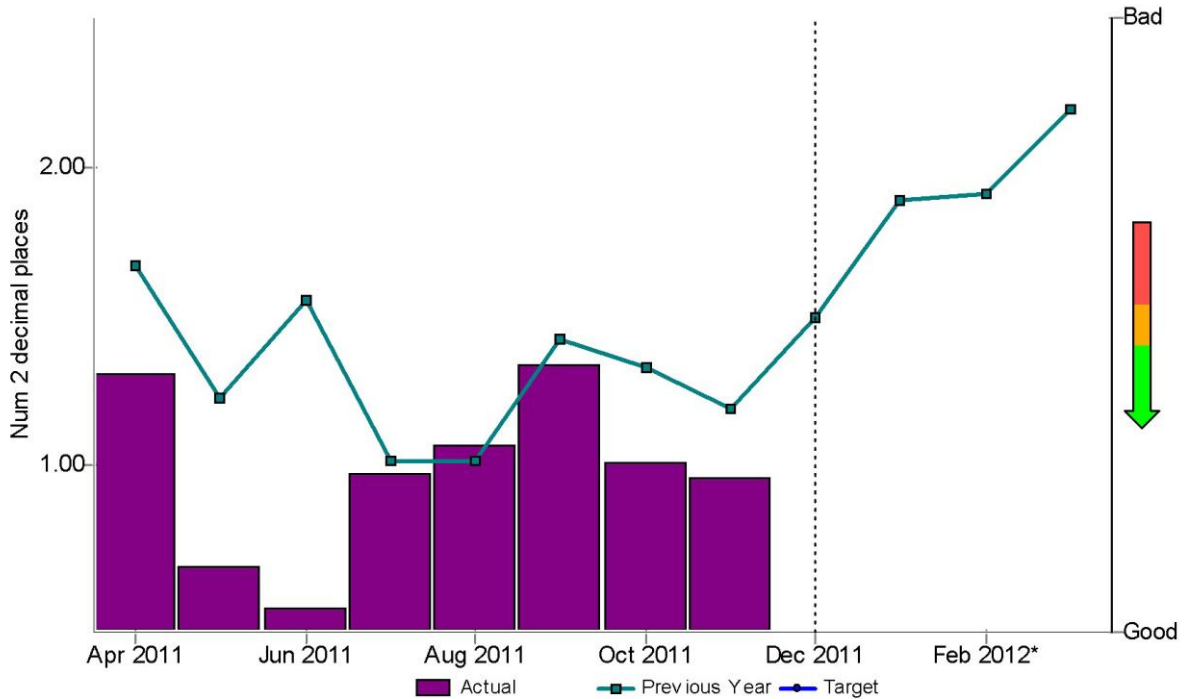
Uniformed Staff Sickness Rates by Month 2011/12



Support Staff Sickness Rates by Month 2011/12



Control Staff Sickness Rates by Month 2011/12



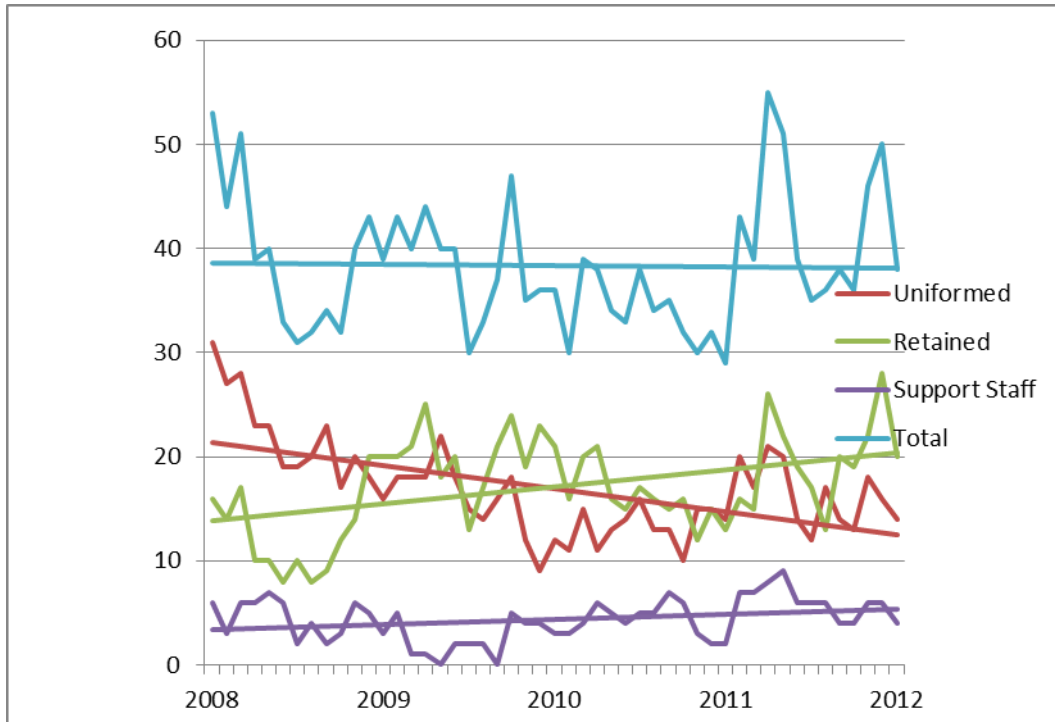
3. DETAILED BREAKDOWN OF LONG TERM SICKNESS

- 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. There has been another 'spike' in the Long-term sickness levels for November and December but once again dropping back in January 2012.

2011/12

Number of staff	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Uniformed	21	20	14	12	17	14	13	18	16	14		
Retained	26	22	19	17	13	20	19	22	28	20		
Support Staff	8	9	6	6	6	4	4	6	6	4		
Total	55	51	33	38	34	38	36	46	50	38		

Long-term Sickness 2008 to January 2012 – Number of Staff



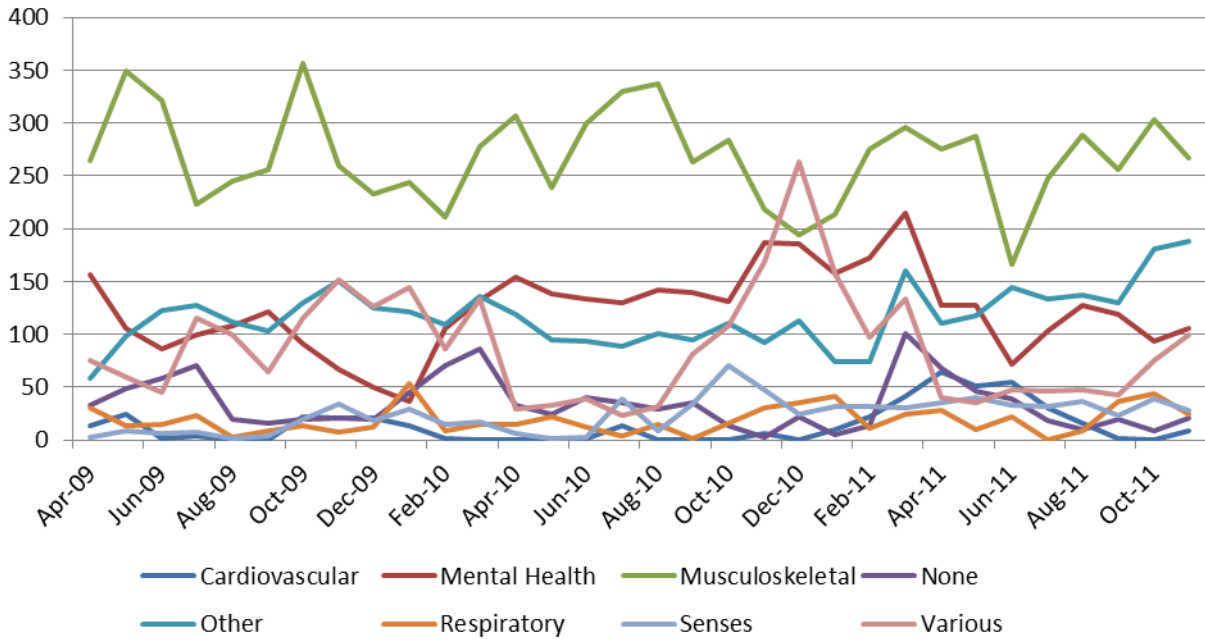
Long-term Sickness 2008 to Jan 2012 – Number of Staff

3.2 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 previously by the HRMD Committee. These have been reported at the last 7 HRMD committee meetings. The performance has been good in this area with the number of cases having reduced from 16 in August 2010 to 9 in January 2012. Currently there are no Wholetime uniformed staff with more than 6 months absence. The overall numbers are also represented graphically on the next page.

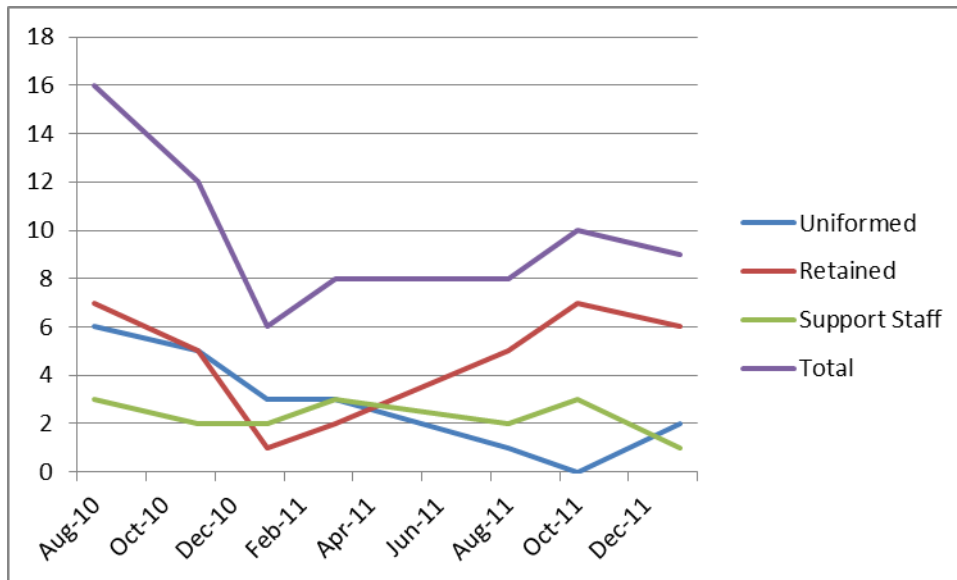
Jan-12

Number of staff	>6 mths	>12 mths	>18 mths	>24 mths	Total
Uniformed	2	0	0	0	2
Retained	3	1	0	2	6
Support Staff	1	0	0	0	1
Total	6	1	0	2	9

Days/shifts lost to sickness for all staff



Long-term Sickness – Number of Staff with greater than 6 months sickness



4. REASONS FOR SICKNESS ABSENCE

4.1 The graph below show the reason category for sickness. The 'Other' category includes sickness/diarrhoea whilst 'Various' includes flu. The 'None' category is none of these.

5. **MENTAL HEALTH**

5.1 It is recognised that there is a close link between wellbeing and personal performance. People who feel well will generally perform better than people who do not feel well. Within DSFRS, we categorise the causes of sickness and mental health has regularly been second only to musculoskeletal as the highest cause of absence.

5.3 The Service has counselling contracts in place and the number of sessions is shown below. An individual will have multiple sessions to assist them with their mental health issue.

Devon Counselling

	No of Sessions
2007/8	134
2008/9	180
2009/10	237
2010/11	261
2011/12 (Apr – Jul)	63

Somerset Counselling

	No of Sessions
2007/8	176
2008/9	143
2009/10	153
2010/11	304
2011/12 (Apr – Dec)	384

5.4 The Service also has a Welfare Officer who will have welfare cases and is typically helping and supporting around 28 employees at any one time. In addition the Service has a well@work team consisting of volunteers from throughout the Service who have an interest in the wellbeing of our staff. The objectives of the team are to raise awareness of stress, remove the stigma attached to stress, and to promote solutions for the management of stress, including creating a healthy work-life balance for employees of DSFRS.

5.5 The well@work team have worked with the International Stress Management Association to obtain advice and guidance in dealing with stress. The team undertook presentations all around the Service on the National Stress Awareness day in November to promote understanding of Wellbeing and Resilience at Work.

6. **STAFF TURNOVER**

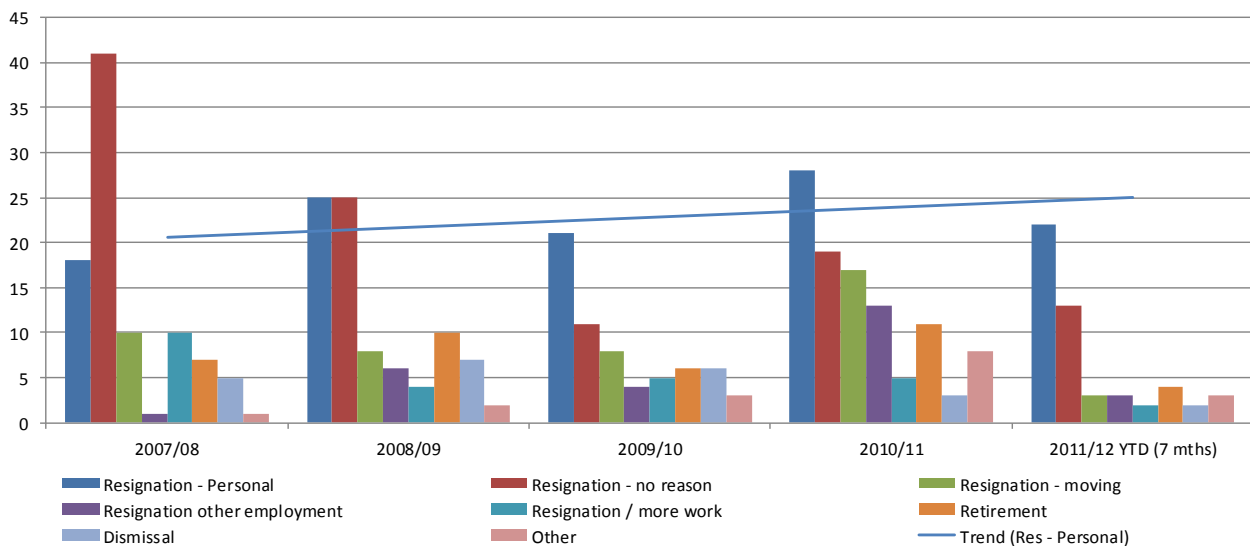
6.1 The level of turnover is monitored in relation to staff leaving the organisation. Whilst a reasonable level of turnover demonstrates a degree of good organisational health if it becomes too high then it will cause organisational issues e.g. if those leaving have specific skills that are lost from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

6.2 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'.

6.3 Within DSFRS it has been recognised that there levels of staff turnover have been reducing for Wholetime uniformed and Support staff but that in the RDS, the levels of turnover had seen an increase from 2009/10 to 2010/11. The Service has examined this in more detail to consider the reasons given. These are shown in the graph below. Although we have more data through the use of leaver exit interviews and leaver questionnaires, the majority of the leavers have left for personal reasons or not actually given a reason. Feedback from the Service Delivery Group suggests that there have been a number of leavers due to the introduction of the Gartan availability system which has provided data for performance management purposes. Work-life balance also remains an issue and the Service is to set up a working party to review the contractual options for the RDS.

6.5 Another concern is that there has been a disproportionate increase in the number of female firefighter leavers. On analysing this data the same problem arises with the number of staff citing personal reasons or giving no reason at all. The Service will be re-visiting the categories that we use for the leaver data to see if this can be improved.

Retained Leavers by Reason

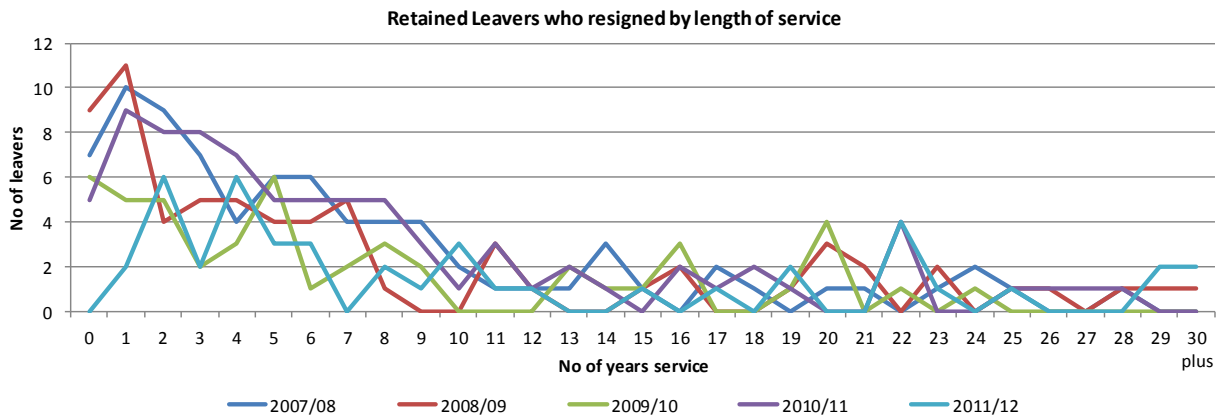


6.6 In relation to the survival curve for RDS staff, the concern is the cost incurred by the Service to recruit and train a Retained Firefighter. The costs to get a new recruit through to being fully competent to 'ride an appliance' are just under £7,000:

- Training costs of £2,680.00
- Salary for recruits training attendance of £1,606.65
- Uniform/kit costs of £959.00
- IMASS medical costs of £112.00
- Salary for uniformed assessors for tests of £75.23 (based on 11 candidates average)
- Other costs relating to staff salaries, back office and admin work etc of £1,559.60
- **Total = £6,992.6**

6.7

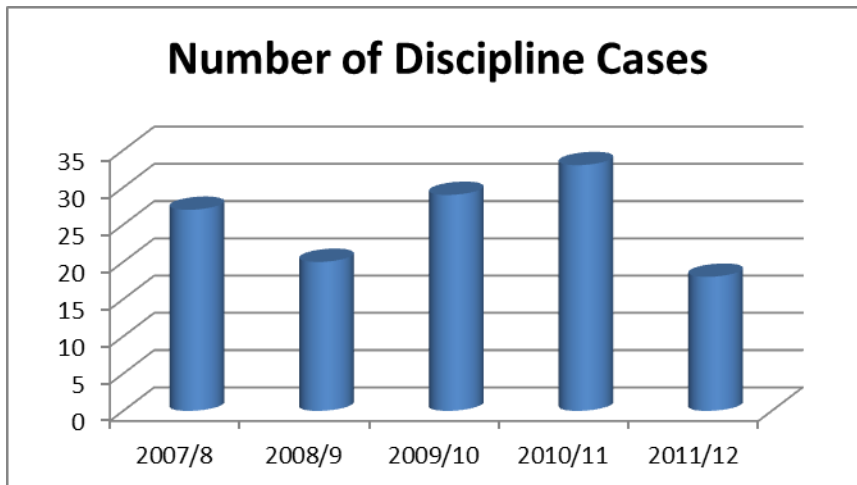
The 'survival curves' by each year are shown over the page. The figures are favourable for this year to date. During this time we have modified the recruitment process to include open evenings at stations to promote positive action and to also give potential recruits a better awareness of the requirements to be a Retained Firefighter. It is too early to say but perhaps this is the early evidence of this method of recruitment showing success.

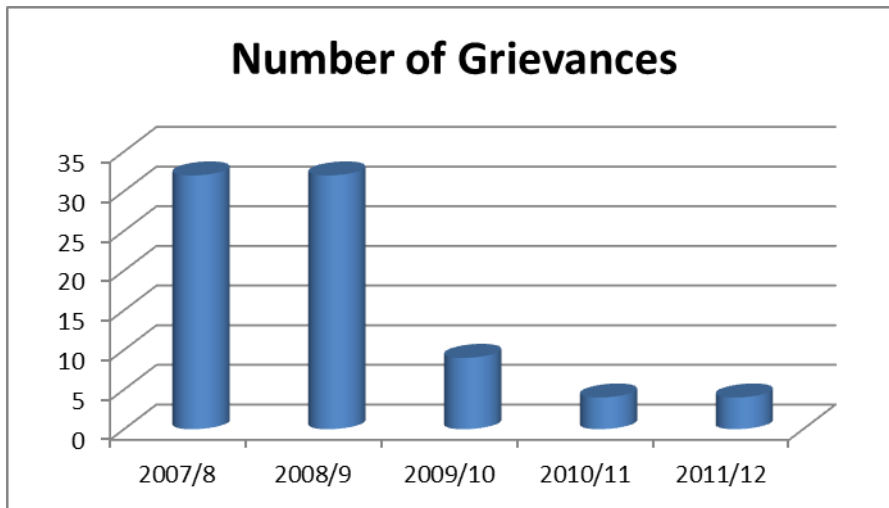


7. DISCIPLINE & GRIEVANCE CASES

7.1

The levels of Grievance and Discipline cases are shown below. 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 but we typically have around 30 per year.





7.2 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	1	2
2011/12	1	2

8. **COLLECTIVE RELATIONSHIPS**

8.1 There have be no matters so far this financial year which have required referral to the national employers but there is a current issue which is likely to do so. The industrial action by UNISON on the 30 November 2011 was handled professionally by all concerned with 11 members of staff taking strike action.

9. **CONCLUSION**

9.1 For the year to date, the Service absence levels are higher compared with the same period in the previous year. The Health of the Organisation continues to be an important aspect of the wider issues that should be considered by the Service and Authority on our journey to excellence.

JANE SHERLOCK
Director of People and Organisational Development

DEVON & SOMERSET FIRE & RESCUE AUTHORITY



REPORT REFERENCE NO.	HRMDC/12/2
MEETING	HUMAN RESOURCES MANAGEMENT & DEVELOPMENT COMMITTEE
DATE OF MEETING	23 JANUARY 2012
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	The Service previously reported on this matter to the Human Resources Management and Development (HRMD) Committee in April 2011. There have been delays at a national level which has meant that the compensation payments are yet to be paid. For Devon and Somerset Fire and Rescue Service (the Service), this amounts to £643,000 for all current personnel plus the claiming leavers. An independent data processing company, Popularis, was engaged to deal with the payments to ensure that there is compliance with the Data Protection Act. This proved more difficult than originally anticipated but the Service has been informed that Popularis will shortly be in a position to issue settlement offer letters to individuals. Once accepted by individuals, the compensation payment can be made.
RESOURCE IMPLICATIONS	As stated above.
EQUALITY RISK & BENEFITS ASSESSMENT	None
APPENDICES	Appendix A - Report HRMDC/11/3 considered by the HRMD Committee on 11 April 2011
LIST OF BACKGROUND PAPERS	Report HRMDC/11/3 considered by the HRMD Committee on 11 April 2011 – Minute HRMDC/32 refers



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	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/12/3
MEETING	HUMAN RESOURCES MANAGEMENT & DEVELOPMENT COMMITTEE
DATE OF MEETING	23 JANUARY 2012
SUBJECT OF REPORT	STRATEGIC WORKFORCE PLANNING
LEAD OFFICER	Director of People and Organisational Development
RECOMMENDATIONS	<p>(a) <i>That the Committee includes this matter as a standing agenda item for future meetings, and;</i></p> <p>(b) <i>Subject to (a) above, the report be noted.</i></p>
EXECUTIVE SUMMARY	<p>Workforce planning is essentially a way to ensure that we have the staffing capacity within the organisation to achieve our corporate objectives. It is about having the right number of people, in the right place at the right time, with the right skills and behaviours, doing the right activities. Workforce planning should include an assessment of where we are now, a forecast of where we want to be and an analysis of what will need to do to get there. We can then develop our action plans accordingly. The HRMD committee have requested further information on the current and predicted staffing levels within the Service.</p>
RESOURCE IMPLICATIONS	There are cost implications related to our staffing levels since staffing represents 85% of our total budget.
EQUALITY RISK & BENEFITS ASSESSMENT	The figures within this report relate to the total staffing levels within staff categories. Any strategic decisions in relation to staff would need to be assessed to ensure that any one group was not more adversely affected by the decision.

<p>APPENDICES</p>	<p>Appendix A – Staffing levels by Full-Time Equivalent (FTE)</p> <p>Appendix B – Wholetime Establishment Levels</p> <p>Appendix C – Wholetime Retirement Forecast</p> <p>Appendix D – Comparison of FTE from 1/4/07 to 31/12/11</p> <p>Appendix E – Staff Turnover</p> <p>Appendix F – Survival Curve for Retained Duty System</p> <p>Appendix G – Fixed-term contracts within Support Staff</p>
<p>LIST OF BACKGROUND PAPERS</p>	<p>None</p>

1. **INTRODUCTION**

- 1.1 Workforce planning is essentially a way to ensure that the Service has the staffing capacity within the organisation to achieve its corporate objectives. Workforce planning has been defined as “trying to predict the future demand for different types of staff and seeking to match this with supply”. It is about having the right number of people, in the right place at the right time, with the right skills and behaviours, doing the right activities. Workforce planning should include an assessment for the Service of where it is now, a forecast of where it wants to be and an analysis of what it will need to do to get there. This will enable the Service to develop its action plans accordingly.
- 1.2 From the HR Improvement Project it has become clear that staff are generally not aware of the strategic and tactical work that is undertaken in this area and providing more information to staff on this subject would be beneficial. It should also be incorporated into an overall strategy document for Human Resources.
- 1.3 This report includes an update on the previous voluntary redundancy exercise, organisational development within directorates and staffing forecasts.

2. **VOLUNTEERS FOR REDUNDANT**

- 2.1 In March 2011, following the announcement that the FiReControl, Regional Control Centre (RCC) project would be closed, there were a number of positions that were identified as potentially redundant and therefore in accordance with the 4R's policy the Service sought volunteers for redundancy. Volunteers could have provided re-deployment opportunities for staff whose position was at risk of redundancy.
- 2.2 These requests were on a without prejudice basis and therefore did not commit any employee to leaving the Service by voluntary redundancy. From a Service perspective it was also confirmed that there was no guarantee that such requests would be accepted.
- 2.3 There were 53 volunteers that came forward but there were not any positions that were suitable for staff at risk of compulsory redundancy based on the criteria set out in the 4Rs policy:
- Whether the post would be suitable for redeployment of an employee who may be 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.
- 2.4 As a separate exercise, Directors considered whether the volunteer's positions could be removed from the establishment. At that time the Change and Improvement Programme had not commenced and it was not possible to identify positions that could be released.
- 2.5 Since March 2011, of the 53 volunteers, 10 have left the organisation and a further 8 are within Control and as part of the Consolidation Project their request for voluntary redundancy has been accepted. At this time there are other volunteers with an identified leave date but currently none where the position could be removed from the establishment.

- 2.6 As an alternative to redundancy, if an employee is over 55 years and it can be demonstrated that their release from the organisation will be beneficial to the Service on efficiency grounds then an employee can leave without a reduction in benefits or redundancy compensation. This allows the post to be retained in the organisational structure but filled in a more cost effective way. This compares to redundancy where if the employee is over 55 years they would leave without a reduction in benefits and also receive redundancy compensation. However, the post is deleted from the organisational structure and so there is not the option to replace in a more efficient manner.

3. FLEXIBLE RETIREMENT

- 3.1 The Service has had a policy for Flexible retirement in place for uniformed staff since 2008 which has enabled staff to retire provided the pension criteria were met and then return to employment within the Service. In doing so, the employee could return in a lower graded position or on a part-time basis. The pension would then be abated so that the earnings and pension following retirement and re-employment were no greater than the salary level prior to retirement.
- 3.2 The Service has in December 2011, introduced a Pensions Discretions policy which relate to the Local Government Pension Scheme for Support staff and Control staff. This provides similar options in terms of retirement and re-employment.
- 3.3 For both uniformed and support staff, on re-employment it is possible to rejoin the pension scheme and make payments into a separate pension. The Flexible Retirement can help employees with the transition from full employment to retirement which can also support the Service with our organisational development.

4. ORGANISATIONAL DEVELOPMENT WITHIN DIRECTORATES

- 4.1 Within each directorate there are reviews planned for organisational structures but these are generally at a fairly early stage since at this time the process improvement has not yet progressed sufficiently to result in a reduction of any posts.

Service Delivery: The aim is to introduce a staff pool from January 2013 and this will enable the current establishment levels to be reduced by 48 staff. There are a number of ways that are being used to achieve this reduction in staff through natural turnover, fixed-term contracts for RDS to WT and a reduced number of retirement/re-employment approvals. There are other options that could also be used such as compulsory transfers to ensure staff are in the right locations, career breaks with partial payment, resettlement allowances, voluntary redundancy etc. There is also the Control consolidation project which will result in a reduction of 10 posts with additional potential to reduce a number of staff on fixed-term contracts.

Service Support: The organisational structure within Estates is to be reviewed using support from external consultancy. Within Operational Assets a 'proof of concept' approach is to be used for the assembly of two Light Rescue Pumps which could offer opportunities for staff. This could lead to either further internal vehicle assembly or alternatively to an external procurement. There is also a requirement to bring a number of data teams together into a 'data hub'.

Human Resources & Management Development: The Training & Development Department is moving to a matrix structure around the Academies and will be aligned to the processes. Within HR there is a HR Improvement project underway to identify the strengths and key opportunities for improvement.

Corporate Services: Recent movement in staff leavers has created the potential for further organisational changes within Democratic Services and these are to be considered further. The change projects within Procurement will also need to be supported by a revised structure.

4. STAFFING FORECASTS

- 4.1 The Service has collated staff data that supports our workforce planning. The overall levels of staff are shown in Appendix A as the Full-Time Equivalents (FTE) which takes account of job-share and part-time positions.
- 4.2 The current Wholetime establishment levels are shown in Appendix B for the 30 November 2011 and we have a current establishment of 701.5 of which we have 700 in post. However, this is not the complete picture since we have staff that are supernumerary and we also have vacancies due to temporary positions that are created within the Service. The movement of these staff sits at the tactical level but the overall approach that we apply is a strategic decision. The crewing shortages and overtime costs are directly linked to this situation.
- 4.2 In Appendix C there is a forecast of the number of Wholetime retirees with approximately 22 scheduled to take place up until 2014. A further 61 staff could retire in the next 3 years but have not at this stage indicated their preferences. This information was collated in March 2010 and so would benefit from being refreshed and this will take place during Q4.
- 4.3 Turning to the support staff, the retirement preferences were sought in October 2011. There are 92 staff who are 55 years or over and of these 20 have indicated that they are intending to retire within the next 3 years. It should be noted that with the removal of the retirement age we can no longer assume that support staff will retire at age 65 years. The number of full-time equivalents at the time of combination on the 1 April 2007 has been compared with the current levels at 31 December 2011 as shown in Appendix D. This has resulted in an increase in FTEs of 42.94.
- 4.4 As part of forecasting on staffing levels, the Service should monitor the turnover rates and the HRMD members have requested regular updates on this information as well as the actual staffing numbers. The level of turnover is calculated by considering the number of staff leaving the organisation over a period (the financial year) compared with the average number of employees during this period. This calculation includes all types of leaver whether voluntary, retirement, redundancy or dismissal. 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. the cost of recruiting and training. 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 staff turnover rates are shown in Appendix E and survival curve for the RDS are shown in Appendix F.
- 4.5 Turnover levels vary between sectors and with the economy. During times of economic uncertainty and higher unemployment, staff are likely to be more cautious about leaving an organisation and so turnover levels are likely to fall. From the CIPD survey on Resourcing and Talent Planning, within public services, the levels of staff turnover have dropped from 12.6% in 2009, to 8.6% in 2010 and to 8.5% in 2011.

- 4.6 Within Devon and Somerset Fire and Rescue Service, the turnover of support staff has reduced each year since combination from 8.5% to 7.1%. In Control, there was an increase in turnover possibly due to the increase in temporary staff and with the plan to move to the RCC. Turnover in control is now once more reducing. Turnover in the Retained had reduced in 2009/10 but has remained around 5% over the 4 year period since combination. Turnover in the Wholetime has been traditionally low and this remains the case.

5. FIXED-TERM CONTRACTS WITHIN SUPPORT STAFF

- 5.1 There has been an increase in the number of positions within Support staff since 2007 with the number of permanent staff increasing from 209.5 to 218. In this same period the number of staff on fixed-term contracts has risen from 14 to 45 as shown in Appendix F. This does give the Service more flexibility with staffing although it should be noted that there is employment protection for staff under the Employment Rights Act and Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations. Therefore, if the contract ends before its intended expiry the employee can claim unfair dismissal (after 1 years' service) and redundancy (after 2 year's service).
- 5.2 It should also be noted that the fixed-term regulations make it unlawful to treat fixed-term employees less favourably than comparable permanent employees because they are on a fixed-term contract. Therefore, employers should not select fixed-term employees for redundancy because of their fixed-term status and should include them in the pool of employees from which they will make the redundancy selection. However, in some circumstances an employer may be able to justify objectively excluding permanent employees from the pool and selecting from a group comprised only of fixed-term employees. For example, this may be the case where fixed-term employees were specifically recruited to complete a particular task or to cover a peak period and this was made known to them when they were recruited.

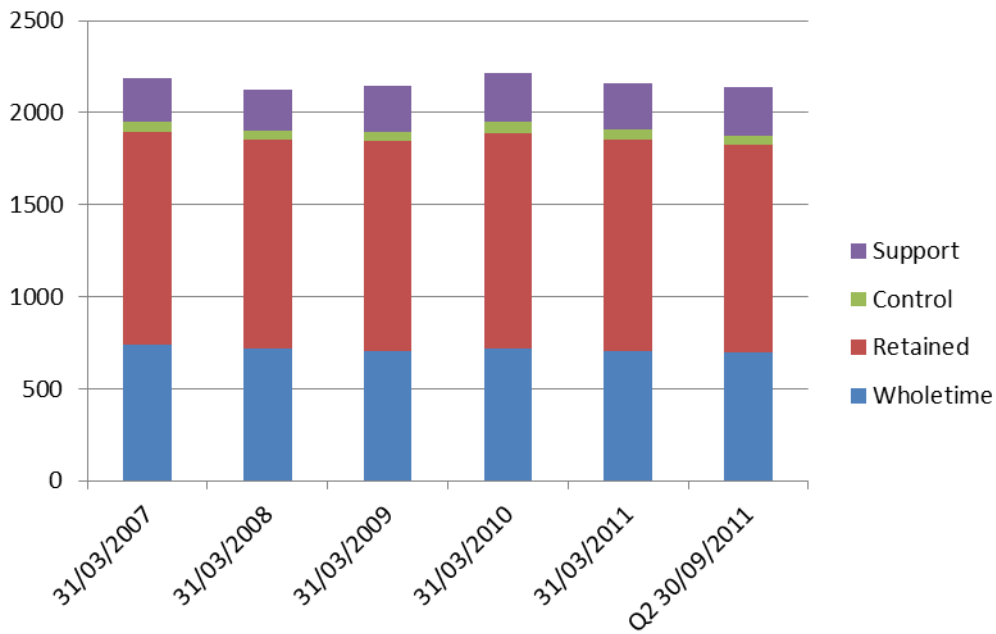
6. CONCLUSION

- 6.1 Workforce planning remains a key area to be considered by Members, SMB and the Service. It is important that our plans are set out and reviewed regularly and that we inform staff of our intentions. The inclusion of workforce planning in a HR Strategy would also help in engaging with staff as we work hard to become an excellent organisation.

JANE SHERLOCK
Director of People and Organisational Development

STAFF NUMBERS – FULL-TIME EQUIVALENTS

FTE	31/03/2007	31/03/2008	31/03/2009	31/03/2010	31/03/2011	Q2 30/09/2011
Wholetime	739	721	706	721	706	700.5
Retained	1158.5	1131	1142	1170	1147	1122.5
Control	52.5	51	48.5	60.5	53	53.5
Support	237	222.5	246	262	255	263
Total	2187	2125.5	2142.5	2213.5	2161	2139.5



APPENDIX B TO REPORT HRMDC/12/3

SUMMARY OF WHOLETIME ESTABLISHMENT - 30 NOVEMBER 2011

Role	Posts	Actuals	Comments
Brigade Managers	4	4	
Area Manager B	6	5	1 vacancy
Area Manager A	0	0	
Group Manager B	19	17	2 Vacancies
Group Manager A	18	17.5	1 Vacancy 1 FTE 0.5 supernumerary
Station Manager A	52.5	54	0.5 vacancies 2 supernumerary
Watch Manager B	54	59	3 vacancies 6 seconded 1 FTC in temporary post 1 supernumerary
Watch Manager A	0	1	1 WMA in CM positions
Crew Manager	13	14	2 Vacancies 1 FTC in temporary post 2 FTC in established post 1 Supernumerary
Station Based			
Watch Manager B	57	56	1 vacancy
Watch Manager A	0	1	
Crew Manager	82	74	7 CM Vacancies
Firefighters	382	384	11 Sup 15 FF Vacancies 6 FTC
		3	HPLP
SUB TOTAL	687.5	689.5	
Special Operations			
Station Manager A	1	1	
Watch Manager B	1	1	
Crew Manager	2	2	
Firefighters	10	10	
TOTAL	701.5	703.5	
PROJECTIONS			
Organisational Adjustments			
New Joiners		0.5	WM D Case 0.5 1/1
Known Leavers			
Resignation/ job share		-1	JS Ferguson/Hole
Retirement(Letters received)		-3	N Berry 4/12/11 J McElhinney 30/12 G Spears 14/3/12
Dismissal			
Unpaid Leave			
Agreed FF Vacancies Retirement(Letters not received)			
Projected Staffing Levels	701.5	700	
Difference		-1.5	

APPENDIX C TO REPORT HRMDC/12/3

WHOLETIME RETIREMENT FORECAST

Role	2011	2012	2012 or 2013	2013	2013 or 2014	2014	2014 or 2015	2015	2016	2017	2022	Unknown
FF	2			3	1	2		1	1	1		22
CM		1		1			1				1	7
WM	1			2		1		2				16
SM		1							1			6
GM	1	2	1	1		1						9
AM	1											
BM								1				1
Total	5	4	1	7	1	4	1	4	2	1	1	61

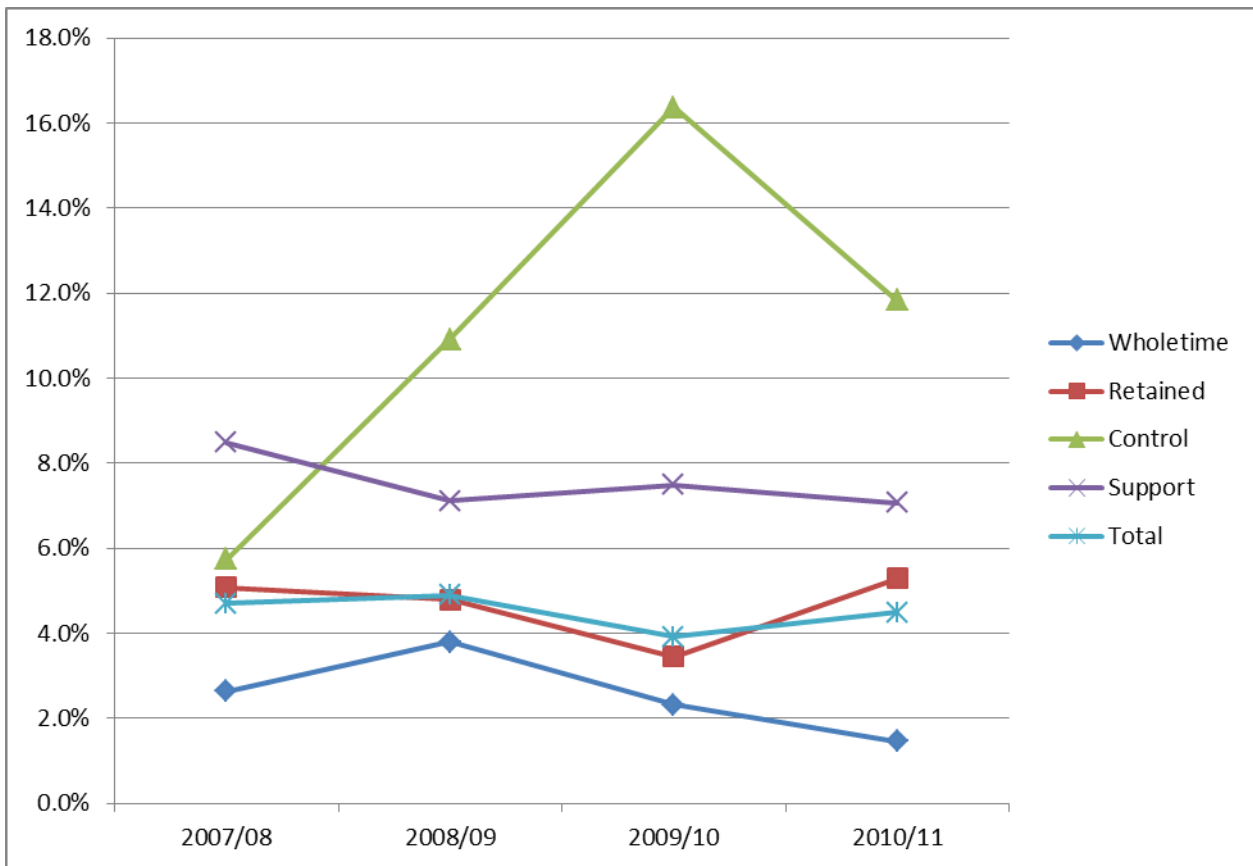
APPENDIX D TO REPORT HRMDC/12/3

THE NUMBER OF FULL-TIME EQUIVALENTS AT THE TIME OF COMBINATION ON THE 1 APRIL 2007 COMPARED WITH THE CURRENT LEVELS AT 31 DECEMBER 2011

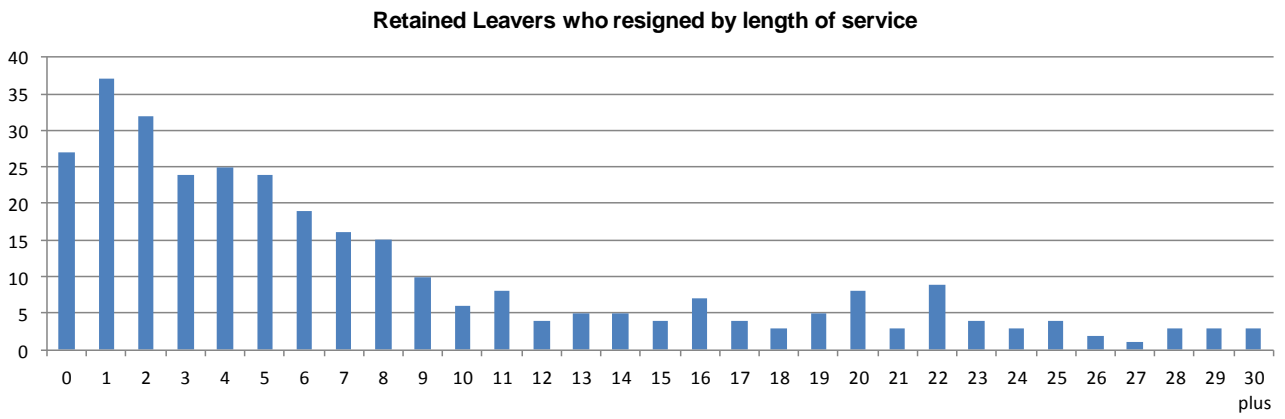
	Full-time Equivalents		
	01-Apr-07	31-Dec-11	Difference
Ops Admin	39.88	41.89	2.01
Ops Support	6	5	-1
Group Support Team	9.8	9.29	-0.51
Community Safety	8	10	2
Fleet & Equipment	11	10	-1
Vehicle Maintenance	25	27	2
Estates	9.65	13.92	4.27
ICT	17.6	22	4.4
Corporate Communications	4.8	7.8	3
Democratic Services & Corp Support	11.19	11.78	0.59
Procurement	7.49	10.61	3.12
Performance & Planning	8.7	15.26	6.56
Response & Resilience	0	1	1
Risk & Insurance	1.5	3	1.5
H&S	6	4.8	-1.2
HR	19.63	23.5	3.87
Equalities	2	1.91	-0.09
T&D	26.25	25.26	-0.99
Commercial Services	0	2	2
Production & Income Generation	0	5	5
Finance	6	8	2
Change & Improvement	0	8.41	8.41
Regional Projects	4	0	-4
	224.49	267.43	42.94

STAFF TURNOVER

	2007/08	2008/09	2009/10	2010/11	Q2 2011/12
Wholetime	2.6%	3.8%	2.3%	1.5%	1.1%
Retained	5.1%	4.8%	3.5%	5.3%	2.5%
Control	5.7%	10.9%	16.4%	11.8%	2.4%
Support	8.5%	7.1%	7.5%	7.1%	3.2%
Total	4.7%	4.9%	3.9%	4.5%	2.1%



SURVIVAL CURVE FOR RETAINED DUTY SYSTEM FROM 2007 - PRESENT



APPENDIX G TO REPORT HRMDC/12/3

FIXED-TERM CONTRACTS WITHIN SUPPORT STAFF FOR FULL-TIME EQUIVALANTS

Support Staff	01/04/07	31/03/08	31/03/09	31/03/10	31/03/11	Q2 30/09/11
Permanent	209.5	215	226.25	230	222	218
FTC	14	6	16.25	29	41	45

