

**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)

Wednesday 22 January 2014

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

PLEASE REFER TO THE NOTES AT THE END OF THE AGENDA LISTING SHEETS

1. **Apologies**
2. **Minutes** of the meeting held on 26 July 2013 attached (Page 4).
3. **Items Requiring Urgent Attention**

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

PART 1 – OPEN COMMITTEE

4. **Learning and Development Strategy 2013-16**
Report of the Director of People and Commercial Services (HRMDC/14/1) attached (page 7).
5. **Absence Management & Health of the Organisation**
Report of the Director of People and Commercial Services (HRMDC/14/2) attached (page 16).

6. **Firefighters' Pension Scheme Internal Dispute Resolution Procedure (IDRP)**

Report of the Director of People and Commercial Services (HRMDC/14/3) attached (page 22).

7. **Redundancy Compensation Rates**

Report of the Director of People and Commercial Services (HRMDC/14/4) attached (page 24).

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 Paragraph 4 of Part 1 of Schedule 12A (as amended) to the Act, namely 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. **Industrial Action - Update**

Director of People and Commercial Services to report at the meeting.

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership:-

Councillors Bown (Chair), Brooksbank, Burrige-Clayton, Chugg, Horsfall, Knight and J Smith

NOTES	
1.	<p><u>Disclosable Pecuniary Interests (Authority Members only)</u></p> <p>If you have any disclosable pecuniary interests (as defined by Regulations) in any item(s) to be considered at this meeting then, unless you have previously obtained a dispensation from the Authority’s Monitoring Officer, you must:</p> <ul style="list-style-type: none"> (a) disclose any such interest at the time of commencement of consideration of the item in which you have the interest or, if later, as soon as it becomes apparent to you that you have such an interest; (b) leave the meeting room during consideration of the item in which you have such an interest, taking no part in any discussion or decision thereon; and (c) not seek to influence improperly any decision on the matter in which you have such an interest. <p>If the interest is sensitive (as agreed with the Monitoring Officer), you need not disclose the nature of the interest but merely that you have a disclosable pecuniary interest of a sensitive nature. You must still follow (b) and (c) above.</p>
2.	<p><u>Part 2 Reports</u></p> <p>Members are reminded that any Part 2 reports as circulated with the agenda for this meeting contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Committee Secretary at the conclusion of the meeting for disposal.</p>
3.	<p><u>Substitute Members (Committee Meetings only)</u></p> <p>Members are reminded that, in accordance with Standing Order 35, the Clerk (or his representative) must be advised of any substitution prior to the start of the meeting. Members are also reminded that substitutions are not permitted for full Authority meetings.</p>
4.	<p><u>Access to Information</u></p> <p>Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact the person listed in the “Please ask for” section at the top of this agenda.</p>

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

26 July 2013

Present:-

Councillors Bown, Brooksbank, Chugg, Healey (vice Burridge-Clayton), Horsfall and J Smith

Apologies:-

Received from Councillors Burridge-Clayton and Knight

***HRMDC/1. Election of Chair**

RESOLVED that Councillor Bown be appointed Chair of the Committee until the first meeting after the Annual General Meeting of the Authority in 2014.

***HRMDC/2. Minutes**

RESOLVED that the Minutes of the meeting held on 18 March 2013 be signed as a correct record.

***HRMDC/3. Election of Vice Chair**

RESOLVED that Councillor Brooksbank be appointed Vice Chair of the Committee until the first meeting after the Annual General Meeting of the Authority in 2014.

***HRMDC/4. Health, Safety and Welfare Framework for the Operational Environment**

The Committee received for information a report of the Director of People and Commercial Services (HRMDC/13/1) that set out details of the new Framework that had been published recently by the Department for Communities and Local Government. This Framework had been established to assist Fire and Rescue Services in balancing the health, safety and welfare of staff whilst they were at work with the risks faced on a day to day basis.

The Director of People and Commercial Services commented that the Service already had a very good infrastructure in place as was demonstrated by the recent Diamond Award from the Royal Society for the Prevention of Accidents (RoSPA). There was, however, scope for the Service to learn from best practice in addition and the Action Plan that was being developed by the Organisational Safety Assurance (OSA) department would take account of this, amongst other matters.

***HRMDC/5. Equality Strategy - 'Safer Lives, Brighter Futures' – 6 Monthly Monitoring Report – November 2012 to April 2013**

The Committee received for information a report of the Director of People and Commercial Services (HRMDC/13/2) that set out the progress made as measured against the objectives and action plan within the Authority's Equality Strategy – "Safer Lives, Brighter Futures" – between November 2012 and April 2013.

The Committee noted that the Strategy was monitored internally by the Equality Steering Group that consisted of both operational and support staff from across the Service. Externally, the progress made was validated by community advisory groups which represented vulnerable people in the community. Links had been established with the Community Safety Department in addition and work was being undertaken to identify whether the remit of the groups already set up could be expanded as a result. Reference was made to the Equality Risk and Benefit Assessments (ERBA) process undertaken by the Service which had recently been nominated for a national award at the ALARM awards. This process underpinned the Strategy and had also been commended by internal audit.

The progress made against the Strategy was very good with no areas for concern at this stage and the Committee commended all of the Officers involved.

***HRMDC/6. Equal Pay Audit**

The Committee received for information a report of the Director of People and Commercial Services (HRMDC/13/3) on the Equal Pay Audit that had been undertaken to demonstrate that appropriate action had been undertaken to identify and eliminate any gender pay discrimination within the Service.

The Human Resources Manager advised that the key issues identified in this audit were:

- Women were under represented in senior operational roles;
- Women were under represented in uniformed roles other than in Control;
- The majority of support staff posts in grade 1 to 3 were women;
- There was a low level of lesbian, gay and bi-sexual employees' self-identification in the Service.

Members of the Committee commented that, whilst the principles behind the audit were understood, the document needed to be simplified so that it could be more easily understood. Additionally, it was considered that the document identified cultural change within the organisation and that this needed to be highlighted.

The Director of People and Commercial Services stated that one of the main points of this exercise was to understand what the barriers were in terms of stopping people from applying for posts within the organisation. It was noted that the document would be reviewed in the light of the comments made.

***HRMDC/7. Plymouth and Devon Racial Equalities Council (PDREC)**

The Committee received for information a presentation given by Crew Manager Dave Evans, who was currently directly supporting the PDREC through a secondment until 31 March 2013.

Members were advised of the value and benefit of this secondment, including an explanation of the areas of work the Service had been able to support and the range and breadth of projects that had been undertaken with some of the most vulnerable groups in our communities.

***HRMDC/8. Firefighters' Pension Scheme Internal Disputes Resolution Procedure**

The Committee noted that it was required to appoint 3 of its Members to serve on the Firefighters' Pension Scheme Internal Disputes Resolution Procedure Stage 2 Panel (IDRP). (Membership in 2012/13 was Councillors Bown, Knight and J Smith).

RESOLVED that Councillors Bown, Brooksbank and J Smith be appointed to serve on the Panel until the first meeting of the Committee following the Annual Meeting of the Authority in 2014.

***HRMDC/9. 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 Paragraphs 3 and 4 of Part 1 of Schedule 12A (as amended) to the Act, namely information relating to the financial or business affairs of any particular person, including the Authority and information relating to contemplated consultations or negotiations in connection with any labour relations matter arising between the Authority and its employees.

***HRMDC/10. Firefighters' Pensions Scheme Update and Business Continuity**

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

The Director of People and Commercial Services updated the Committee on the progress made in respect of the proposed new Firefighters Pension Scheme 2015 together with the concerns that had been raised in this respect by the Fire Brigades' Union (FBU). It was noted that the FBU nationally had balloted for strike action as a result of their concerns and the Committee was apprised of the arrangements being made by the Service for business continuity in the event that the ballot was successful.

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

The meeting started at 10.00hours and finished at 12.02hours

DEVON & SOMERSET FIRE & RESCUE AUTHORITY



REPORT REFERENCE NO.	HRMDC/14/1
MEETING	HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT COMMITTEE
DATE OF MEETING	22 JANUARY 2014
SUBJECT OF REPORT	LEARNING AND DEVELOPMENT STRATEGY 2013-16
LEAD OFFICER	Director of People and Commercial Services
RECOMMENDATIONS	<i>That the report be noted.</i>
EXECUTIVE SUMMARY	<p>The Academy has produced a Learning and Development Strategy for Devon and Somerset Fire and Rescue Service (DSFRS) which has received approval from the Extended Leadership Team (ELT).</p> <p>The Strategy outlines the 10 strategic priorities for the Service's Training Academy over the forthcoming 3 years.</p> <p>The Strategy brings training delivery into line with the latest thinking within the fire and rescue sector and helps to:</p> <ul style="list-style-type: none"> • Deliver the appropriate training to support Firefighter Safety; • Ensure delivery is quality assured; • Ensure efficiency in delivery; • Achieve the services corporate plan; • Forge closer links to other key areas of the Service e.g. Operational Assurance and Response and Resilience; • Create capacity to meet commercial targets.
RESOURCE IMPLICATIONS	Current establishment to move from over 40% temporary posts to less than 10% temporary posts (subject to ELT approval at the time of writing this paper).
EQUALITY IMPACT ASSESSMENT	Currently being completed.
APPENDICES	A. Learning & Development Strategy 2013-2016 (attached separately).
LIST OF BACKGROUND PAPERS	None

1. INTRODUCTION

- 1.1 DSFRS did not have a Learning and Development Strategy prior to the 2013-16 document.
- 1.2 The current document outlines the key objectives of the Academy which contribute to the overall organisational strategy e.g. Corporate Plan, tiered approach, Chief Fire Officers' Association (CFOA) Fire Professional Framework, Health and Safety Framework for British fire and rescue services, Inquest findings (rule 43 Coroner letters) following incidents of significance and others.
- 1.3 The strategy builds upon the progress and reputation of DSFRS training and is intended to position the Service to face future challenges with confidence whilst recognising that firefighter safety and service to our communities remains paramount in the face of the current financial challenges.
- 1.4 The strategy has been presented to the Service's Extended Leadership Team.
- 1.5 The Strategy takes account of the latest thinking in the fire and rescue sector including CFOA and further afield within the private sector.

2. SCOPE OF THE DOCUMENT

- 2.1 The document defines the current training context faced by DSFRS and how workforce competence needs to evolve to support the Service's broader strategic aims.
- 2.2 The document presents 10 strategic objectives to be addressed during the period 2013-16 which are to:
- introduce an 'Operational Licence' in line with the latest CFOA Fire Professional Framework;
 - introduce a new Training Management System called 'Profile' to record and manage workforce competence for all roles;
 - Ensure learning needs are identified in a structured and efficient way;
 - Review the current training allowance for Academy instructors;
 - Develop new learning packages to support Service Delivery to manage Maintenance of Skill;
 - Measure value for money within the Academy by developing performance benchmarks and comparing ourselves to other fire and rescue services;
 - To be the provider of choice for commercial clients within our sectors of operation;
 - Improve the clarity of the workforce development framework through improved communication and feedback;
 - Continue to introduce and build on the principles of the Fire Professional Framework aligned to DSFRS core values;
 - Effectively use management information from Operational Assurance and Health and Safety to improve our products and assurance processes.
- 2.3 The Service's Training Academy Management Team has developed a three year action plan to achieve the stated objectives.

- 2.4 An accompanying communication strategy is in development with support from the Service's Corporate Communications team.
- 2.5 The Extended Leadership Team has considered a paper regarding the appropriate structure required to achieve the objectives within the Learning and Development Strategy.

JANE SHERLOCK
Director of People and Commercial Services



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	HRMDC/14/2
MEETING	HUMAN RESOURCES MANAGEMENT & DEVELOPMENT COMMITTEE
DATE OF MEETING	22 JANUARY 2014
SUBJECT OF REPORT	ABSENCE MANAGEMENT & HEALTH OF THE ORGANISATION
LEAD OFFICER	Director of People and Commercial Services
RECOMMENDATIONS	<i>That the report be noted.</i>
EXECUTIVE SUMMARY	<p>One of the key internal measures reported as part of the Service's assessment of performance is that of sickness absence rates. The Authority's Human Resources Management and Development (HRMD) Committee has requested that they are sighted on this area of Service performance.</p> <p>It has previously been agreed that a 6 monthly light touch report would be submitted to the Committee and then a detailed review would be undertaken at the year end. The Service has also previously in 2013 reported on the priorities in this area and a further update is included within this report.</p>
RESOURCE IMPLICATIONS	None apparent.
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 At the HRMD Committee in June 2012 (Minute *HRMDC/5 refers), it was agreed that the detailed measures for the 'Health of the Organisation' would be submitted on an annual basis but with an additional half yearly review. The format for these half-yearly reviews are as per the quarterly performance report so that the Committee could maximise the utilisation of the available data. The Service is seeking to achieve year-on-year improvements in this measure.

2. **2013/14 APRIL TO SEPTEMBER ABSENCE PERFORMANCE**

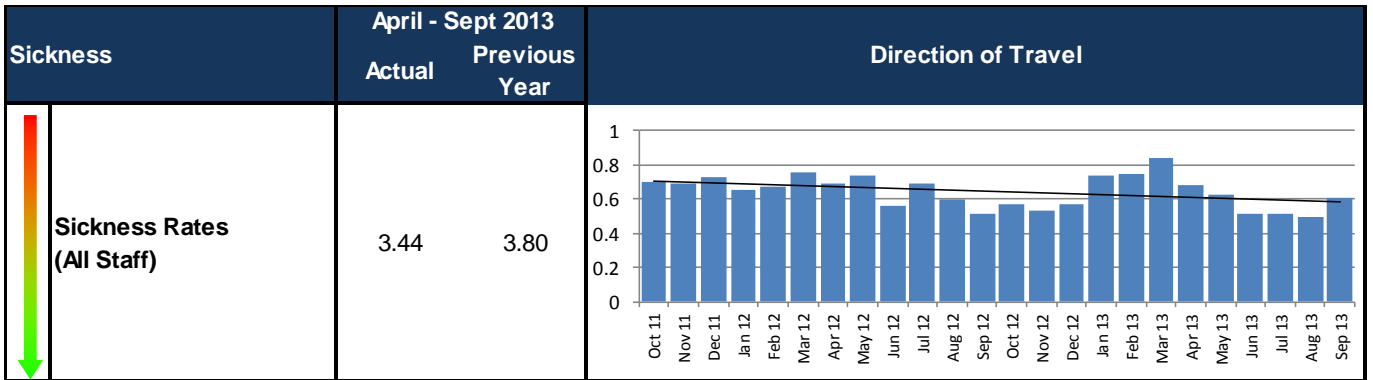


Fig 1: Sickness Direction of Travel

2.1 The graph above shows the monthly sickness rates for the last 2 years. With monthly peaks and troughs in sickness it is difficult to see the on-going improvement in the rates over this period. Figure 2 below shows a rolling sickness rate and shows a much clearer downward trend in the first two years following combination. This increased slightly during 2011 and 2012 and it is good to see during the last 10 months that the 12 month rolling rate has dropped below 8 days per person per year.

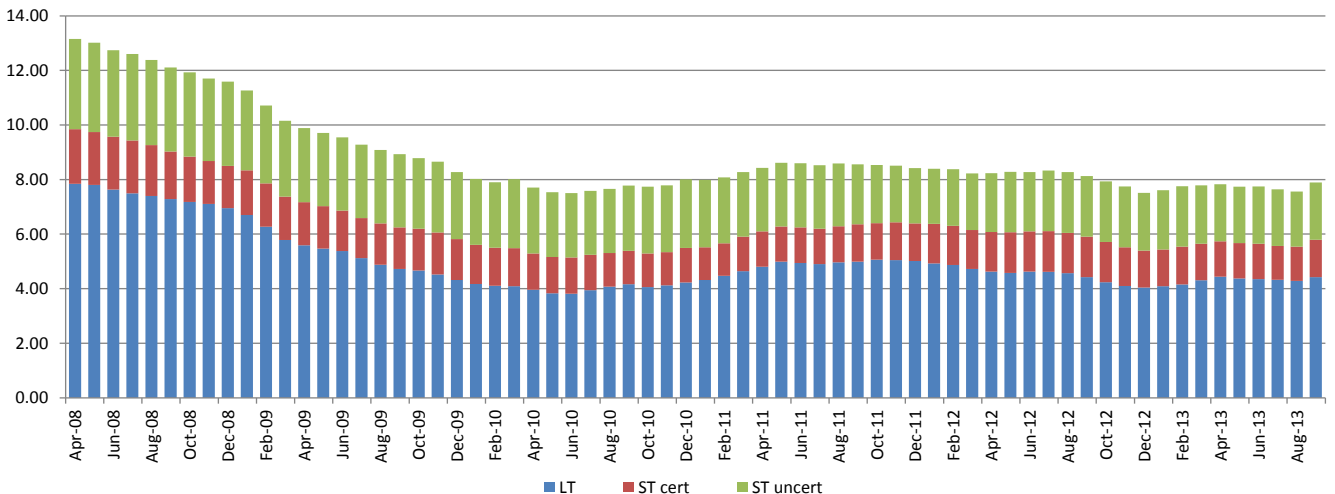


Fig 2: 12 Month Rolling Sickness Rate

2.2 The graph below shows an overall downward trend in annual sickness rates since combination in 2007.

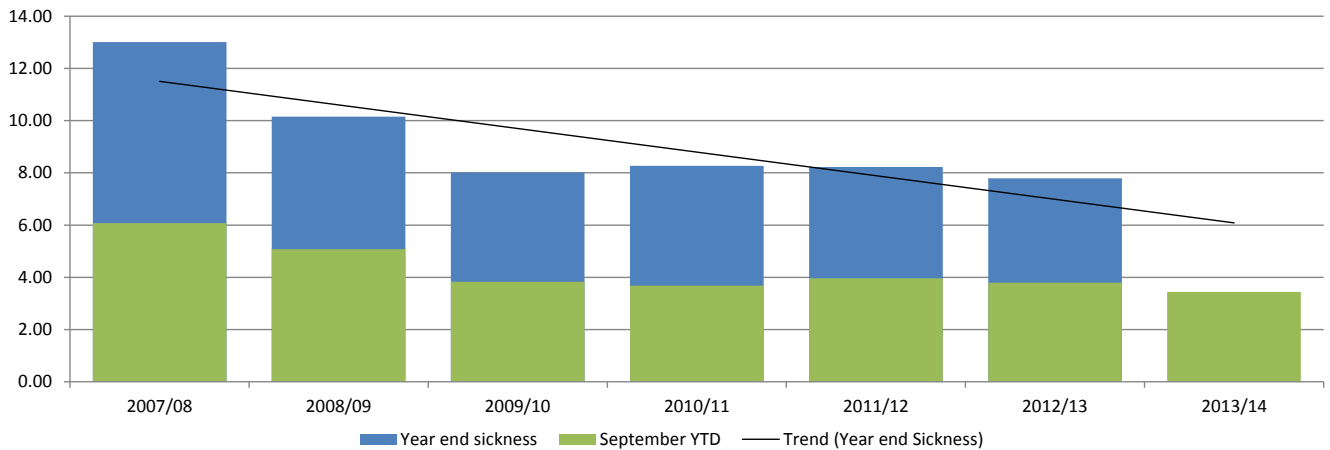


Fig 3: Service level Sickness Rate per Person

2.3 The Service then considers the breakdown of sickness rates between the different contract types as well as the length of sickness. There are 4 contract types that are considered:

- Wholetime Station based staff
- Wholetime non station based staff
- Control Staff
- Support Staff

The length of sickness is considered under 3 categories:

- Short-term sickness – uncertified ie periods of sickness up to 7 days
- Short-term sickness – certified ie periods of sickness over 7 days for which a GP certificate is required
- Long-term sickness – for periods of over 28 days

2.4 The breakdown on the sickness rates is set out within Figures 4 and 5 below.

Sickness Rates by post type April - September	Wholetime Station based staff			Wholetime Non Station staff (inc SHQ, STC, group support teams etc)		
	Actual	Previous Year	% Variance	Actual	Previous Year	% Variance
Overall Sickness Rate	2.79	3.64	-23.4%	4.60	4.45	3.2%
Total # Days/shifts lost	1320	1806	-26.9%	924	892	3.6%
Sickness Rates - Long Term (over 28 calendar days)	1.46	2.29	-36.4%	3.74	3.32	12.7%
# Days/shifts lost LT	690	1136	-39.3%	752	665	13.1%
Sickness Rates - ST Cert (8 - 28 calendar days)	0.56	0.54	2.8%	0.49	0.57	-15.1%
# Days/shifts lost STcert	265	270	-1.9%	98	115	-14.8%
Sickness Rates - ST Uncert (up to 7 calendar days)	0.77	0.81	-4.4%	0.37	0.56	-34.2%
# Days/shifts lost STuncert	365	400	-8.8%	74	112	-33.9%

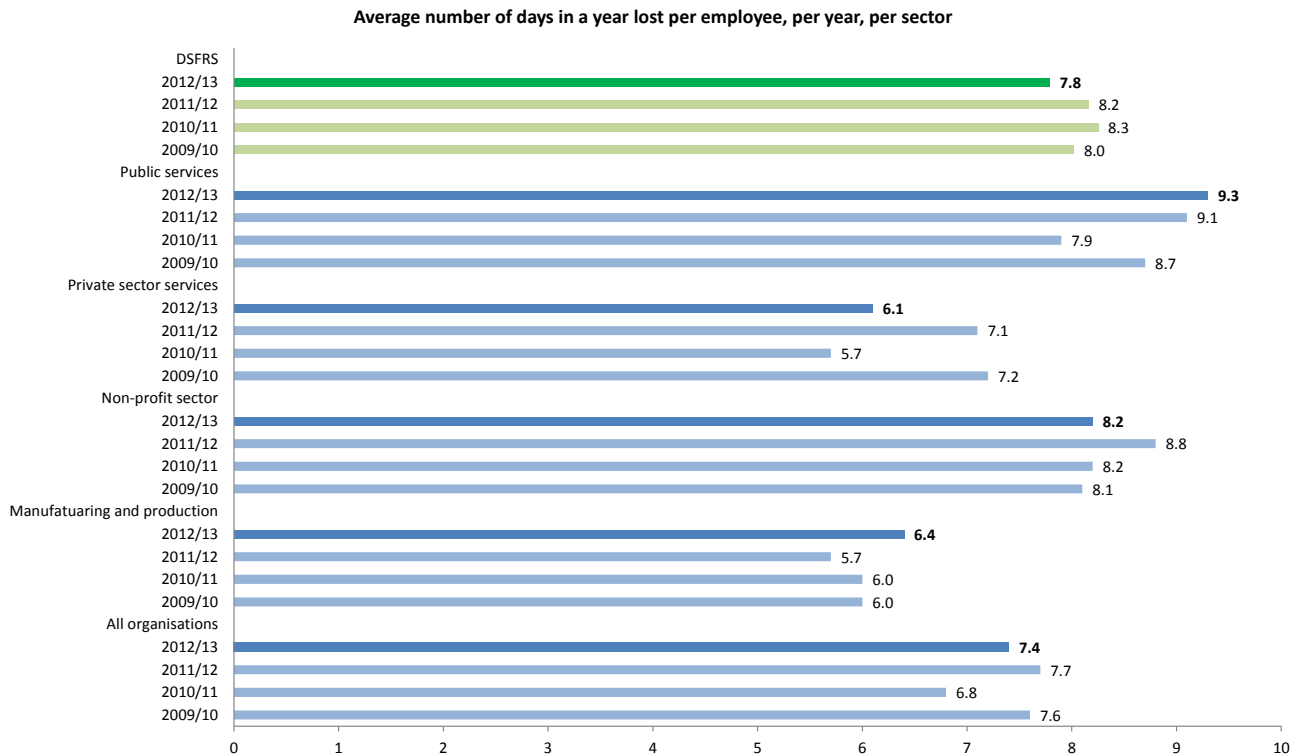
Fig 4: Sickness rates by post type – Wholetime station based staff and non-station based staff

Sickness Rates by post type April - September		Control			Support staff		
		Actual	Previous Year	% Variance	Actual	Previous Year	% Variance
	Overall Sickness Rate	6.61	6.37	3.8%	3.28	3.17	3.3%
	Total # Days/shifts lost	251	269	-6.7%	852	831	2.5%
	Sickness Rates - Long Term (over 28 calendar days)	4.32	3.34	29.4%	1.66	1.13	46.5%
	# Days/shifts lost LT	164	141	16.3%	432	297	45.5%
	Sickness Rates - ST Cert (8 - 28 calendar days)	0.79	1.28	-38.2%	0.62	0.66	-6.3%
	# Days/shifts lost STcert	30	54	-44.4%	160	172	-7.0%
	Sickness Rates - ST Uncert (up to 7 calendar days)	1.50	1.75	-14.3%	1.00	1.38	-27.6%
	# Days/shifts lost STuncert	57	74	-23.0%	260	362	-28.2%

Fig 5: Sickness rates by post type – Control & Support staff

- Wholetime station based staff is showing decreases in long term and short-term uncertified sickness, however, short-term certified sickness rates are up by 2.8%. The overall sickness rate is down by 23.4% compared with this time last year.
- Wholetime non-station based staff has had an increase in long term sickness of 12.7%. Short-term certified and short-term uncertified are both down by 15.1% and 34.2% respectively. However, the impact of the increase in long-term sickness rate has resulted in a small increase of 3.2% of the overall rate compared to this time last year.
- Control has seen a large decrease in all short-term sickness, however, with a significant increase in long-term sickness. The overall rate shows an increase of 3.8%. It is worth noting that even with this decrease in short term sickness, control staff has the highest sickness rates in all 3 sickness categories.
- Support staff has seen a large increase in long term sickness with a 46.5% increase on last year which has contributed to an overall increase in the sickness rate by 3.3%, however the overall rate remains below Control and Wholetime Non-Station based. Short term sickness is down.

3. SICKNESS ABSENCE – INDUSTRY BENCHMARKING



3.1 The information set out within the table above shows that Devon and Somerset Fire and Rescue Service (DSFRS is performing better than the average public services sickness rate, with 7.8 days lost per employee in 2012/13 compared with 9.3 days. The Service is also outperforming the non-profit sector; however the manufacturing and production and private sector services are at a lower rate.

3.2 It is encouraging to see a year on year decrease in sickness rates over the past 3 years for the Service, which is seeing DSFRS move more in line with the all organisations rate of 7.4 days per employee, per year in 2012/13. When looking at our year to date sickness rate for 2013/14 the Service is on course to continue that downward trend.

4 PROGRESS TOWARDS CURRENT PRIORITIES

4.1 The Service has previously reported on the changes made in support of Absence Management and these are updated below.

The previously completed objectives were:

- Working Group to produce a new Absence Management Policy
- Develop administration systems to support policy & procedures
- Performance Management information through PIMS
- New Occupational Health (OH) Provider – having previously tendered for the OH provision, Capita Health Solutions were appointed. The contract was then novated to IMASS and following a new tender process in 2012, Devon County Council (wellbeing@work) were appointed as the Service’s Occupational Health Provider
- Introduction of Counselling & Physiotherapy Services

- Payment for private specialist referrals

The Service has then set new objectives which have been progressed:

- Fitness testing combined with 3 yearly medical - completed
- Access by managers to electronic absence records – Employee online self-service and Manager Access modules have been purchased and have been rolled-out initially to SHQ. These will be extended across the whole Service
- Introduction of a capability procedure – discussions with Trade Unions have been undertaken but the policy has not yet been completed
- Stress Management training for managers - completed
- Electronic Personal Record Files – this project has been put on hold whilst other Service priorities are completed.
- Electronic time sheets for uniformed Day Duty Staff - completed
- Rollout of Gartan Wholetime system - completed

4.2 A further objective has been the introduction of a workflow system for reporting sickness. This makes sickness absence management easier, more efficient and use less resources. The Service is implementing an electronic solution for this process using Middleware. The Middleware system will enable the exchange of data between existing business systems including HR Workforce. This will avoid data duplication and inconsistencies, and provide access to accurate, complete, consistent and up-to-date data. This system also automatically uploads sickness absence data into the HR Workforce system those reducing the administration time involved.

5. **CONCLUSION**

5.1 For the first half of 2013/14, the Service absence levels were lower than the previous year and our performance is considerably better than other public sector organisations. We are also getting closer to the average levels across all organisations. The Service has also progressed well with the priorities that we have previously set ourselves.

JANE SHERLOCK
Director of People and Commercial Services

DEVON & SOMERSET FIRE & RESCUE AUTHORITY



REPORT REFERENCE NO.	HRMDC/14/3
MEETING	HUMAN RESOURCES MANAGEMETN AND DEVELOPMENT COMMITTEE
DATE OF MEETING	22 JANUARY 2014
SUBJECT OF REPORT	FIREFIGHTERS' PENSION SCHEME INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP)
LEAD OFFICER	Director of People and Commercial Services
RECOMMENDATIONS	<i>That the Committee determines how it wishes to proceed on this matter with a view to progressing future cases.</i>
EXECUTIVE SUMMARY	<p>The Firefighters' Pension Scheme Internal Disputes Resolution Procedure (IDRP), enables complaints related to a pension to be considered by the Service and Authority under a two stage process:</p> <p>Stage One: the matters should be considered by the Chief Fire Officer, or a senior manager specified by him/her, who will give a decision in the matters; and</p> <p>Stage Two: the decision should be confirmed or replaced by the decision of elected members of the fire and rescue authority.</p> <p>It has previously been resolved that the Stage Two of the process would be considered by a sub-panel of the HRMD committee comprising one or more members with a maximum of 3. The membership of the Panel was decided upon at the previous meeting of the Committee held on 26 July 2013 (Minute HRMDC/8 refers) and Councillors Bown, Brooksbank and J Smith were appointed.</p> <p>Cases are normally considered, based on written submissions from the complainant, however, the FBU have requested that they should present the submission on behalf of the complainant.</p> <p>The guidance in Annexe 12 of the Appeals Procedure relating to the IDRP states "that the IDRP is essentially a written procedure and a complainant cannot be required to attend an oral hearing or interview in relation to Stage One or Stage Two".</p> <p>The Committee is asked to determine how it wishes to proceed on this matter with a view to progressing such future cases.</p>

RESOURCE IMPLICATIONS	None
EQUALITY RISK & BENEFITS ASSESSMENT	None
APPENDICES	None
LIST OF BACKGROUND PAPERS	None

DEVON & SOMERSET FIRE & RESCUE AUTHORITY



REPORT REFERENCE NO.	HRMDC/14/4
MEETING	HUMAN RESOURCES MANAGEMENT & DEVELOPMENT COMMITTEE
DATE OF MEETING	22 JANUARY 2014
SUBJECT OF REPORT	REDUNDANCY COMPENSATION RATES
LEAD OFFICER	Director of People and Commercial Services
RECOMMENDATIONS	<p>(a) <i>That the Committee recommends to the Devon and Somerset Fire and Rescue Authority that there should be no change to the current redundancy compensation rates (a multiplier of 2), and;</i></p> <p>(b) <i>That the Committee continues to monitor progress with reduction in staff numbers associated with the implementation of the Corporate Plan, and how the use of voluntary redundancies can support this, with a view to further reviewing the redundancy compensation rates in the next financial year.</i></p>
EXECUTIVE SUMMARY	<p>At the Authority meeting on 14 February 2011 (Minute DSFRA/60 refers), a redundancy multiplier of 2 was determined. This was subject to an annual review taking into account budgetary and financial issues and the organisational planning needs of the Service. At the Human Resources Management and Development (HRMD) Committee meeting on 19 March 2012 (Minute HRMDC/36 refers) it was resolved that it should be recommended to the full Authority that the multiplier should remain unchanged but that this should be subject to annual review.</p> <p>This paper sets out the background on how the redundancy compensation payments are applied and includes comparisons with other public sector organisations within the South West.</p>
RESOURCE IMPLICATIONS	Dependent upon the number of redundancies and multiplier that is used.
EQUALITY RISK & BENEFITS ASSESSMENT	The redundancy compensation rates are in accordance with the statutory formula relating to age and service.
APPENDICES	A. Redundancy Compensation Rates within the South West

LIST OF BACKGROUND PAPERS	None
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1. **INTRODUCTION**

1.1 At its meeting held on 19 March 2012 the HRMD Committee considered the matter of Redundancy Compensation rates to apply and resolved (Minute HRMDC/36 refers):

that it be recommended to the Devon and Somerset Fire and Rescue Authority that there should be no change to the current redundancy compensation rate (a multiplier of 2) and that this matter should continue to be reviewed at least annually.

1.2 The review should be undertaken by the HRMD Committee with a recommendation made to the full Authority. This paper includes an explanation of how redundancy compensation is applied and makes comparisons with other authorities in the South West.

2. **REDUNDANCY MULTIPLIER**

2.1 The Service employs the majority of staff on two sets of terms and conditions which are commonly referred to as:

- the 'Grey Book' and
- the 'Green Book'.

2.2 There are also three different pension schemes which are the Firefighters' Pension Scheme (FPS), which is closed to new members; the New Firefighters' Pension Scheme (NFPS) and the Local Government Pension Scheme (LGPS). The FPS/NFPS are available to operational staff and the LGPS for all other support (non-uniformed) employees and also the Control Room staff.

2.3 The rules of the LGPS require a service to have a policy on pension discretions to apply in certain situations including that of redundancy. As such, the Devon & Somerset Fire & Rescue Service has a policy on pension discretions and following the previous Authority decision and consultations with trade unions, the multiplier was set at a rate of 2 for staff who are eligible to join the LGPS. The FPS does not include any such requirement for a policy on pension discretions and does not contain any reference to discretions for enhanced redundancy pay.

2.4 As a reminder, the statutory redundancy pay for an employee with at least 2 years' continuous service, is based on the employee's age, salary (subject to a salary maximum) and the length of service.

- Up to the age of 21: 0.5 week's pay for each completed year of service.
- 22–40 years of age: 1 week's pay for each completed year of service.
- 41+ years of age: 1.5 weeks' pay for each completed year of service.

* A "week's pay" is subject to the statutory maximum (currently £450).

2.5 For staff within the LGPS, there is additional legislation in relation to redundancy payments in the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 ("the Regulations"). Almost all public sector organisations and many in the private sector have previously introduced schemes which offer more than the statutory redundancy pay referred to above, however, in recent years organisations have regularly reviewed their schemes and have reduced the multipliers that are applied. The maximum payment permitted under the Regulations is 104 weeks.

- 2.6 Most enhanced redundancy schemes in the public sector use the actual week's pay in the calculation (rather than the £450 statutory limit) and apply a multiplier to the number of weeks calculated using the statutory redundancy pay formula referred to above ("the multiplier"). This was modified in 2006 as the previous calculation of enhanced redundancy pay was not acceptable under the Age Discrimination Regulations.
- 2.7 The Authority is currently committed to using the actual weekly pay levels in its Reorganisation, Review, Redeployment and Redundancy ("4Rs") policy agreed with all the recognised unions and approved by the Authority on combination. This policy, however, is silent on any multiplier to be used since it was envisaged this would be included in a future redundancy policy. Such a policy was not introduced since the 4Rs policy has been sufficient for the organisational changes that have been made.
- 2.8 Prior to combination, staff currently within the Service were employed either by Somerset Fire and Rescue Service (FRS) (which was part of Somerset County Council - SCC) or by Devon FRS which was an independent Combined Authority. From 1 April 2007, all staff within the Service became part of the newly constituted and independent Devon & Somerset Fire & Rescue Authority, a combined fire and rescue authority with its own stated position for redundancy payments. This was originally set at a multiplier of 2.5 but was subsequently reduced to a multiplier of 2. Had those staff that were within Somerset FRS continued their employment with SCC then the multiplier would be a current level of 1. For those staff in the former Devon FRS, the multiplier had previously been based on the rate used by Devon County Council (DCC) who used an enhanced redundancy payment in accordance with the Regulations by applying a multiplier of 2.
- 2.9 The Regulations state that the maximum number of weeks of redundancy compensation is limited to 104 weeks. Since the statutory weeks of redundancy compensation is limited to 30 weeks, the maximum multiplier that could be applied would be 3.46. Appendix A to this report details the multiplier and weekly pay calculation currently in use by other South West public sector organisations.
- 2.10 For this Authority, it was previously determined that a balance had to be struck between the lowest cost to the Authority, what would be suitable compensation for staff whose positions were at risk of redundancy on a compulsory basis and what might be considered as a level likely to be attractive to staff who may be willing to consider voluntary redundancy. At this time, the Service is progressing with the implementation of the Corporate Plan and, from a Service perspective, it would be preferable to maintain the existing levels for the time being with the option to further revisit the position in the next financial year.

3. REDUNDANCY MULTIPLIER FOR OPERATIONAL STAFF

- 3.1 As set out in paragraph 2.3 above, the FPS does not require any pension discretions policy or for enhanced redundancy pay to be provided. The advice from the National Employers own in-house employment law advisers is that the discretionary compensation regulations exclude operational firefighters as shown in the extract below:

"The compensation provisions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 currently apply in relation to:

a) *Employees of bodies listed in Part 1 of Schedule 2 to The Local Government Pension Scheme (Administration) Regulations 2008 (as amended). This includes local government employees and, among others, employees of police authorities, fire and rescue authorities, and further and higher education corporations (**but excludes** councillors, the Mayor of London, a member of the London Assembly, teachers, **operational firefighters** and uniformed police officers);”*

- 3.2 There are no powers in the Firefighters' Pension Schemes or any related statutory provisions along the lines of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England & Wales) Regulations. This means that Fire & Rescue Authorities have no powers to increase a redundancy payment over and above that provided for under the Employment Rights Act 1996 or to augment pensions.
- 3.3 Where the Service has uniformed staff who have retired and been re-employed then if they are at Station Manager or above they become eligible to join the Local Government Pension Scheme and therefore are also eligible to the enhanced redundancy compensation for periods of employment where they are re-employed.
- 3.4 Nationally, there have been discussions as to whether the redundancy compensation for uniformed staff could be enhanced. The last communication on this matter was from the National Employers in July 2013 (Circular EMP/08/13). Within the circular it was stated that “if there were agreement to implement enhanced redundancy rates then Authorities would have the discretion to determine whether to introduce this locally”. Since DSFRS has already set a level for the Service this would be applied to uniformed staff with a multiplier of 2 and the actual weekly rate of pay. The maximum redundancy payments for a Firefighter would therefore increase from the statutory level of £13,500 to £33,100.

4. CONCLUSIONS

- 4.1 The Service needs to review the current level of our redundancy multiplier as set out in this paper. The rate applied would be for those staff that are eligible to join the LGPS. All other uniformed staff are currently only entitled to the statutory redundancy pay.

JANE SHERLOCK
Director of People and Commercial Services

REDUNDANCY COMPENSATION RATES WITHIN THE SOUTH WEST

APPENDIX A TO REPORT HRMDC/14/4

Organisation	Redundancy Compensation Dec 2010	Redundancy Compensation Feb 2012	Redundancy Compensation Jan 2014
Devon and Somerset FRS	The 4R's policy commits the Service to using the actual week's pay rather than the statutory limit but is silent on what multiplier should be used.	Initially a multiplier of 2.5 was used and this was reduced from Apr 2011 to a multiplier of 2 using the actual week's pay.	Currently a multiplier of 2 using the actual week's pay.
Devon County Council	Multiplier of 2 using the actual week's pay.	Multiplier of 2 using the actual week's pay.	No change
Somerset County Council	Multiplier of 2 using the actual week's pay but under review.	Reviewed in April 2011 and reduced to a multiplier of 1 using the statutory weekly pay for compulsory redundancies and the actual weekly pay for voluntary redundancies. A min payment of £1500 is applied.	No change
Plymouth City Council	Multiplier of 2	Reviewed in Nov 2011 and reduced to a multiplier of 1 using the statutory weekly pay ie no additional enhancement.	No change
Torbay Council	Multiplier of 1 using the actual week's pay but under review.	Multiplier of 1 using the actual week's pay.	No change
Cornwall Council	Up to April 2010 multiplier of three times actual weeks pay. Post April 2010 it is 1.75 times based on the actual week's pay.	Reviewed in May 2011 and kept to a multiplier of 1.75 using the actual week's pay.	No change
Dorset County Council	Multiplier of 2.5 using the actual week's pay but under review.	Reviewed in Apr 2011 and reduced to a multiplier of 1.75 using the actual week's pay.	No change

Gloucestershire County Council	Multiplier of 2.2 using the actual week's pay.	Reduced to a multiplier of 2 and from Apr 2012 will be a multiplier of 1.75 using the actual week's pay.	No change
Wiltshire FRS	Multiplier of 1 with actual week's pay	Reviewed in 2011 and modified to a multiplier of 1.75 using the actual week's pay.	No change but NB Voluntary Redundancy is with a multiplier of 1.75 and a limit of 52 weeks, Compulsory Redundancy is with a multiplier of 1. Both use the actual week's pay.
Dorset FRS	Multiplier of 2.5 using the actual week's pay.	Multiplier of 2.5 using the actual week's pay.	Multiplier reduced to 1.75 using the actual week's pay.
Avon FRS	Multiplier of 2.5 using the actual week's pay (maximum compensation equivalent to 75 weeks pay).	Multiplier of 2.5 using the actual week's pay (maximum compensation equivalent to 75 weeks' pay).	No change