

**Non-Exempt Minutes of the Meeting of
Shropshire and Wrekin Fire and Rescue Authority
Human Resources Committee
held on Thursday, 19 April at 2.00 pm
at Headquarters, Shrewsbury**

Present

Members

Councillors Adams (Chair), Mrs Barrow, Mrs Blundell, Kiernan, Murray, and Price (Vice Chair)

Officers

Assistant Chief Fire Officer (Human Resources), Human Resources Manager, Equality and Diversity Officer, Head of People Development and Safety, Corporate Services Manager (for items 1 – 7) and Executive Support Officer

1 Apologies for Absence

Apologies for absence had been received from Councillor Picken.

2 Declarations of Interest

Councillor Price did not declare an interest at his point but declared a personal interest at item 6 in that he was in receipt of a Fire Service pension.

3 Non-Exempt Minutes

Members received the non-exempt minutes of the Human Resources Committee meeting, held on 29 September 2011.

It was proposed by Councillor Mrs Barrow, seconded by Councillor Price, and

Resolved that the non-exempt minutes of the Human Resources Committee meeting, held on 29 September 2011, be agreed and signed by the Chair as a correct record

4 Public Questions

No questions, statements or petitions had been received from members of the public.

5 Human Resources Committee Work Plan 2012 - 13

This report reviewed the progress against the Human Resources Committee 2011 - 12 Work Plan and put forward the 2012 - 13 Work Plan for consideration and approval by Members.

It was proposed by Councillor Mrs Barrow, seconded by Councillor Price, and

Resolved that the Committee approve the 2012 - 13 Work Plan without amendment

6 Human Resources Committee Terms of Reference and Procedure

This report provided details of the Terms of Reference of the Human Resources Committee and the Appeals Hearings Procedure for review by the Committee.

The Corporate Services Manager explained that this review was housekeeping best practice prior to the annual Fire Authority meeting in July. Officers' recommendations for amendments to the Committee's Terms of Reference were listed in section 4. These were: to move the determination of appeals against dispute to the jurisdiction of the Appeals Hearing Panel; a rewording of the paragraph relating to the provision of training to Members to avoid the repetition of 'ensure'; and the provision of a generic reference to firefighter pension schemes.

The Chair asked whether it would be possible to provide a summary report on the number of employee grievances and their outcomes. The Assistant Chief Fire Officer (ACFO) confirmed that this information was collated and monitored as a requirement under The Equality Act. The Equality and Diversity Officer (EDO) will include this information as part of the equality monitoring statistics report in future

Councillor Price suggested that the order of events in the Appeals Procedure be altered to allow the Hearing Officer to make comment prior to the appellant speaking. The ACFO acknowledged that the order of events is at the discretion of the Chair of the Appeals Panel but that the usual starting point is for the appellant to state their grounds for appeal and for it then to be determined whether these can be upheld. The Corporate Services Manager added that the Appeals Procedure had been determined after a significant investment of time, benefit of experience, and legal advice, supporting the appellant being given the opportunity to state their case at the beginning.

The Chair had concerns relating to a case that had taken a couple of years to resolve and asked whether excessive delays could lead to the loss of an individual's appeal rights. The ACFO replied that it was quite usual for there to be an extended period of resolution, especially in employment matters related to health, and this was partly due to the notice periods stipulated in employee terms and conditions of service.

She assured the Chair that this does not weaken an individual's case as long as the laws of Natural Justice are adhered to.

It was proposed by Councillor Price, seconded by Councillor Kiernan, and

Resolved that the Committee make recommendation to the Fire Authority to agree the amendments to the Human Resources Committee Terms of Reference as recommended by officers

7 Role Descriptions for Committee Chair and Vice-Chair

This report asked Members to review the existing Role Descriptions for the Chair and Vice-Chair of the Human Resources Committee and make recommendations regarding any additions and/or amendments required to the Fire Authority.

The Chair enquired whether the Vice-Chair would be able to deputise for him on the Pensions Panel. The Members agreed that the Corporate Services Manager amend the Vice-Chair Role Description to aid clarity.

It was proposed by Councillor Mrs Barrow, seconded by Councillor Mrs Blundell, and

Resolved that the Committee recommend to the Fire Authority the amendment to the Role Description for Committee Vice-Chair, subject to the Corporate Services Manager being given delegated authority to revise the Role Description to provide clarity on deputising for the Chair

The Corporate Services Manager left the meeting.

8 Member Development 2012 - 13

This report updated Members on Member development activity and proposals.

The ACFO explained that the agreed route of focusing development towards Member Champions had been halted to avoid duplication of work in light of Shropshire Council's Member Champion training pilot in South Shropshire; for now, the focus would remain with technical training.

The ACFO took Members through the proposed training schedule and advised them that the Fire Service pensions update was dependent on when details of the new Fire Service pension arrangements were received.

Councillor Price commented on how pleased he was with the programme contents, especially the provision of Gypsy and Traveller Awareness and Dyslexia Awareness. The ACFO invited interested Members to attend the more in-depth training being provided to personnel on station, which the Chair, Councillor Price and Councillor Mrs Barrow accepted.

The EDO will send out a list of training dates to all Members for their attendance, if they wish.

Resolved that the Committee note the contents of the report

9 Post Reductions 2012 - 13

The ACFO presented this report, the second of four, updating Members on the progress made against the decision to delete several posts from the substantive establishment in direct response to the outcome of the Authority's Public Value consultation work. This work resulted from the need to save approximately £3 million over 4 years, starting April 2011.

This paper had caused considerable media interest and somewhat alarmist headlines in the local press. The ACFO had already drafted an article for the internal newsletter to reassure staff but agreed with Councillor Mrs Barrow that ideally this should have been circulated prior to media reports.

The ACFO informed Members that reductions in the Retained Duty System were to the budget and not to people. On enquiry from the Chair, the ACFO clarified that the amount of available hours was measured in units, 120 hours per week (full cover) equalling one unit and anything less equalling three-quarters of a unit.

The Chair was concerned about the risk to capacity in reducing non-uniformed posts. The ACFO assured him that officers were mindful of this and aware that in the next couple of years the additional burden of work on non-uniformed personnel might not be sustainable. However, where necessary the Service continues to recruit non-uniformed staff, an example being 3 Information and Communication Technology posts, which it was not an option to cut.

Resolved that the Committee note the contents of the report

10 Part Time Workers (Prevention of Less Favourable Treatment) Regulations Agreement – Circulars NFC/1/12 and EMP/02/12

These had been circulated for completeness of Members' records and gave the latest national position on the Agreement reached with the Fire Brigades Union.

Controversy surrounds the tax and national insurance liability of settlement payments and awaits resolution by Her Majesty's Customs and Excise. Therefore, the Authority has not been advised of acceptance and no payments have been made to date.

Resolved that the Committee note the contents of the circulars

11 Sick Leave – Taking of Annual Leave – Circular NJC/10/11

This Circular concerns the accrual of leave when on long-term sick and advises that the Employees' side is seeking amendment to the current Grey Book provisions to reflect its understanding of recent European Court of Justice rulings.

The ACFO advised that there was the potential for financial implications, if the proposed payments in lieu of leave accrued were applied retrospectively.

Councillor Price enquired what evidence the Service currently requires of sickness when employees book sick during leave. The ACFO confirmed that a doctor's note was required.

Resolved that the Committee note the contents of the circular

12 Reasonable Adjustments

This report provided Members with an overview of reasonable adjustments that have been made for employees to support them in their employment.

The EDO explained that these adjustments were required under The Equality Act. The Brigade uses a range of services and 'Access to Work' assessment and funding to support applicable employees. There are currently 16 live cases: 66% relate to supporting employees with dyslexia. The organisation is currently looking at what facilities would be useful to all staff, irrespective of disability, and networking these, if this is cost effective.

Councillor Mrs Blundell enquired whether annual Display Screen Equipment (DSE) assessments were conducted. The EDO confirmed that the Health and Safety Officer ensured that DSE assessments were conducted regularly, and especially where an individual was returning from long-term sickness absence. DSE assessments had recently been done en masse due to the move to the new headquarters building.

The EDO confirmed to Councillor Mrs Blundell that there were sufficient funds and 'Access to Work' funding had paid for valuable dyslexia tuition for affected personnel.

The Chair asked whether applicants were required to declare relevant conditions. The ACFO replied that a monitoring form went out with application forms as a legal requirement but the organisation was limited by what people chose to declare. However, successful applicants were required to complete a more detailed health questionnaire, which gave the Service the opportunity to pick up any issues through Occupational Health and make a proportionate response.

Councillor Price commented that he welcomed this work and found intriguing the various, often simple, means, which could support those affected by dyslexia.

The Chair asked whether severe dyslexia could bar an individual from employment. The EDO replied that it could not, as the individual would be legally protected under The Equality Act. However, individuals would be assessed through recruitment and ongoing training and the organisation would need to ensure that no-one was at risk. The EDO and the Head of People Development and Safety meet regularly with operational personnel to this end, amongst others.

Resolved that the Committee note the contents of the report

13 Progress on the Implementation of the Single Equality Scheme Action Plan

The purpose of this report was to update Members on the progress of actions identified within the Single Equality Scheme Action Plan from March 2011 – February 2012. The EDO gave a summary of the position and directed Members to the Action Plan, attached at Appendix A.

Councillor Mrs Blundell commented on the small font and asked that the Plan be provided in a larger format in future.

Councillor Mrs Blundell noted the ‘Daughters to Work’ event and asked whether there was a similar event for sons. The EDO informed her that there was not and that this was an international positive action initiative, in which the Service is participating, because of the under-representation of women.

Councillor Mrs Barrow asked whether there had been any particular focus on homophobic bullying. The ACFO advised her that this had been covered under general awareness training on bullying and harassment. The ACFO commented that there was no evidence to suggest homophobic bullying was a problem in the organisation, although there is a disproportionately low declaration of lesbian, gay and bisexuals (LGBs) within the Service against the general population. There was a discussion about why this should be the case.

Resolved that the Committee note the contents of the report

14 Equality Monitoring Statistics

This report provided Members with an overview of the Service’s Equality Monitoring Statistics, which had been requested for reporting at a previous meeting. These statistics have been published on the Service’s website as per the legal requirement. Members were asked to note that not all of the 9 protected characteristics were covered, as it was not possible to do this without identifying individuals. The EDO stated the importance of this information in analysing the composition of the workforce and providing the justification for initiatives.

The EDO brought the following to the attention of Members:

Age – the lower age group of 16 to 25 years are disproportionately under-represented in comparison with the general population. This is likely to be influenced by those remaining in full time education and the lower age requirement for firefighter recruitment.

Sexual orientation – evidence suggest that between 6% to 10% of the general population are lesbian, gay or bisexual, while less than 1% of Service employees have declared this.

Black and minority ethnic – again this group is disproportionately under-represented in the Service. Against the 2001 census figures, a proportionate number would be 15, instead of the 6 currently employed.

Religion – a high proportion did not state this.

Councillor Mrs Blundell queried the omission of 'White – English' on the monitoring form. The Chair also suggested that 'White – Irish' should read 'White – Eire.' The EDO conceded both points and will ensure that the form is amended accordingly.

There was a discussion concerning the relative value of gathering this data, given the number of employees, who did not wish to disclose the information. The ACFO reminded Members that the Service, as a Public Sector organisation, was legally obliged to monitor the composition of its workforce.

Resolved that the Committee note the contents of the report

15 Local Government Act 1972

It was proposed by Councillor Mrs Barrow, seconded by Councillor Price, and

Resolved that, under the Local Government Act 1972, the public be excluded for the following items on the grounds that it involved the likely disclosure of exempt information, as defined by the provisions of Part I of Schedule 12A to The Act, by virtue of paragraphs 1, 2 and 3

16 Exempt Minutes

Members received the exempt minutes of the Appeal Hearing Panel meetings held on 29 September 2011 and 23 March 2012.

Councillor Price wished it to be recorded that the Panel Members appreciated the professionalism and quality of the internal support and legal advice provided to Members; the quality of the minutes was especially noted.

It was proposed by Councillor Price, seconded by Councillor Mrs Barrow, and

Resolved that the exempt minutes of the Appeals Hearing meetings, held on 29 September 2011 and 23 March 2012, and previously circulated to Panel Members for agreement be formerly ratified and counter-signed by the Chair as a correct record

17 Health and Safety Executive Consolidation Report - Update

This report informed the Human Resources Committee of the progress made in response to the HSE Consolidation Report and subsequent Action Plan.

Resolved that the Committee note the contents of the report

The meeting closed at 3.20 pm.

Chair.....

Date.....