

**MINUTES OF THE MEETING OF ROYAL BERKSHIRE FIRE  
AUTHORITY'S MANAGEMENT COMMITTEE**



**Held on Monday 01 December 2014 at 6.30 pm**

**Brigade Headquarters, Newsham Court, Pincents Kiln, Calcot,  
Reading, Berkshire RG31 7SD**

**Members:** \* Councillor Phillip Bicknell  
(\* *present*) \* Councillor Jeff Brooks  
\* Councillor Colin Dudley (Chairman)  
Councillor Paul Gittings  
\* Councillor Pauline Helliard-Symons (Vice-Chairman)  
\* Councillor Edward Plenty  
Councillor Angus Ross  
\* Councillor Alan Ward  
\* Councillor Paul Bryant

**In Attendance:** Neil Carter (Group Manager)  
Trevor Ferguson (Deputy Chief Fire Officer, DCFO)  
Moirra Fraser (Clerk)  
Andy Fry (Chief Fire Officer, CFO)  
Becci Jefferies (Head of HR, HHR)  
Andy Parsons ((Interim Head of Estates, IHE)  
Caroline Redzikowska (Director of Corporate Services, DCS)  
Fayth Rowe (Committee Officer, CO)  
Paul Southern (ACFO)  
Nicole Targett (Head of Corporate Communications)  
Andrew Vallance (Director of Resources, DR)  
FBU Representative

**Action**

**22. REPRESENTATIVE BODIES**

The FBU confirmed that they wished to address the Management Committee on agenda items 9, 10 and 15.

**23. APOLOGIES FOR ABSENCE**

Apologies for inability to attend the meeting had been received from Councillor Angus Ross and Councillor Paul Gittings. Councillor Paul Bryant substituted for Councillor Ross.

**24. DECLARATIONS OF INTEREST**

In accordance with the provisions of the Fire Authority's Local Code of Conduct there were no declarations of interest received from Members.

There were no Declarations of Interest received from Officers.

**25. MINUTES OF THE MEETING HELD ON 6<sup>th</sup> OCTOBER 2014 AND  
MATTERS ARISING**

**Resolved that:**

That the minutes of the meeting held on 6<sup>th</sup> October 2014 be approved as a true and correct record and signed by the Chairman. There were no matters arising.

## **26. RECEIPT OF ANNOUNCEMENTS**

The Chairman announced that he would be attending a meeting pertaining to fire control at Portcullis House on the 11 December 2014.

The ACFO alerted Members to the fact that a 24 hour strike had been called for the following week. The strike would start at 09h00 on Tuesday and would last until 09h00 on Wednesday. Contingency plans had been put in place. The CFO noted that there was a requirement for him to brief the Management Committee and for a discussion to take place on any wage deductions that would be incurred. As this was a 24 hour all out strike there was no option but for all wages of striking employees to be stopped and he therefore sought permission to waive the requirement to brief the Committee. Members agreed to this proposal.

## **27. ISSUES ARISING FROM THE AUDIT AND GOVERNANCE COMMITTEE**

There were no issues arising from the Audit and Governance Committee.

## **28. RECOMMENDATION FROM COMMITTEES**

The Committee noted that item 8 had been recommended from the Integrated Risk Management Plan Working Party on 17 November 2014.

## **29. OUTCOME OF BRACKNELL IRMP CONSULTATION**

Paul Southern (Assistant Chief Fire Officer) (ACFO) apologised that the item had been circulated as a 'to follow' report but explained that the item had only recently been discussed by the IRMP Working Party (17 November 2014 meeting). The Members of the Working Party had requested that the affected employees be informed about the proposals prior to the information appearing in the public domain hence the delay in circulating the report.

The ACFO informed Members that following approval by the Fire Authority on the 23 April 2014 a full public consultation was held over a twelve week period commencing on the 30 June 2014 and concluding on the 22 September 2014. The consultation document (set out in Appendix 1) was distributed in the Bracknell area and the full distribution list was included as Appendix 2 to the report. The consultation was undertaken by Opinion Research Services and their report was attached as Appendix 3 to the report.

The consultation comprised three elements: firstly a deliberate forum was set up with 23 members of the public attending who had been randomly selected from the Bracknell area, a second forum for invited stakeholders was planned and thirdly an online survey was set up.

The stakeholder forum was poorly attended despite several invitations being issued. This could infer that the business and voluntary sector communities were not concerned about the proposals. This was also implied by the opinions of those that did attend the event.

A total of 86 completed surveys were submitted, sixty of those via the website as well as a further twenty six postal responses. The respondents' profile did

not mirror that of the Bracknell population and given the low number of responses the information would not necessarily be statistically reliable. Again it was presumed that the low level of response would indicate the public were not alarmed by the proposals.

Never the less the consultation was deemed to be open, accessible and fair and conformed with good practice both in terms of scale and the balance of elements included.

In addition an internal RBFRS challenge event was held on the 06 October 2014. The event gave members of the RBFRS the opportunity to challenge and question the report and raise any queries. Unfortunately there were no attendees at the event and therefore no queries or comments were raised.

The outcome of the consultation processes established emphatic support for the proposal to disband the Bracknell Retained Unit and to remove the appliance from service.

The ACFO also noted that the IRMP Working Party had agreed the recommendations as set out in the report. IRMP Members also directed Officers to align the disbandment of the Bracknell RDS unit with the implementation of the interim Ascot emergency cover solution in order to ensure the staff, engineering and other related matters complimented each other.

The ACFO noted that in hindsight the effect on Bracknell should have been considered alongside the opening of Wokingham but that unfortunately had not happened.

Members noted the contents of the report and the level of support given to the recommendations.

**Resolved that the Management Committee:**

- notes the results of the consultation;
- recommends to the Fire Authority that the Bracknell RDS Unit be disbanded and that the appliance be removed from operational service;
- recommends to the Fire Authority that the removal of the appliance at Bracknell RDS Unit would not be made until the interim Ascot emergency cover solution was in place.

### **30. SHARED PARENTAL LEAVE**

The FBU Representative noted that the recommendation was to adopt Option 2 but urged Members to adopt Option 1 for the sake of equality.

Becci Jefferies, Head of Human Resources (HHR), informed the Management Committee of the Shared Parental Leave Regulations and highlighted options for the provision of Shared Parental Leave (SPL) and associated risks with each option. The proposed options were:

**Option 1** – offering enhanced pay equal to the current enhanced maternity pay rate;

**Option 2** – offering shared parental leave at statutory pay rates with a view to review in 12 months following the embedding of the legislation and any resulting case law.

Currently employees were entitled to take two weeks Ordinary Parental Leave. Both weeks were paid at an employee's full pay rate. In addition, employees might take up to 26 weeks Additional Paternity Leave to care for their new child, paid at the statutory rate of £138.18 per week. Following the implementation of the Children and Families Act 2014, the Shared Parental Leave Regulations 2014 would come into force on 1<sup>st</sup> December 2014 and would apply to parents of a child whose expected week of birth began on or after 5<sup>th</sup> April 2015, or a child who was placed for adoption on or after 5<sup>th</sup> April 2015.

Shared Parental Leave (SPL) was a new way for parents to share statutory leave and pay on the birth of a child. The intentions of the SPL were to:

- Allow fathers to play a greater role in raising their child;
- Remove the stigma around men taking family leave
- Assist mothers to return to work when they wanted to without losing leave entitlement and make best use of their talents in the workplace;
- Allow either parent to return to work temporarily for busy periods or an important project.

The HHR noted that the regulations were complex particularly in relation to eligibility and notification requirements. Parents would be able to take leave in turns or take leave at the same time as each other and it would not have to be taken in a continuous block. Up to 52 weeks could be taken (minus compulsory maternity two weeks taken by the mother) and had to be taken within 52 weeks of the birth. The HHR noted that Statutory Shared Parental pay (ShPP) was payable for 39 weeks.

Members noted that the RBFRS currently paid enhanced maternity pay (16 weeks at full pay followed by 20 weeks at 50% of average earnings or 50% of contractual pay plus Statutory Maternity Pay (SMP) whichever was higher followed by 3 weeks of SMP). This was in contrast to Statutory maternity pay which was currently six weeks at 90% of average weekly earnings or 90% of contractual pay (whichever was the higher) followed by 33 weeks of SMP.

Current research predicted that uptake of SPL would be low. However offering enhanced ShPP might result in increased uptake. It had been clarified that employers that offered enhanced maternity benefits would not be obliged to offer SPL at enhanced rates.

The HHR explained that it would be difficult to identify the exact costs that the RBFRS could incur. As an illustration of the worst case scenario if 35 SPL cases each took their full leave entitlements under the enhanced rates it would cost around £500k per annum. The average cost for maternity and paternity leave was around £122k per annum.

Councillor Paul Bryant queried whether the age at which a child was adopted was relevant to this policy. The HHR stated that she would need to ascertain if it was relevant or not.

BJ

Members noted that additional areas that needed to be considered were operational resilience if the take up was high as well as the potential additional costs of retraining employees returning from extended leave. The ACFO stated that he was working with HR to gather data on the potential impact on operational activity.

Councillor Ted Plenty noted the Deputy Prime Minister's stance on this issue and stated that if this was government policy then it would be incumbent on the authority to take up Option 1. The Chairman queried if there were any reasons, other than cost, for Officers recommending Option 2. Officers confirmed that costs was a primary driver for this choice.

Councillor Jeff Brooks noted that other authorities had not as yet adopted the policy and he therefore queried why the RBFRS was in a hurry to do so. Officers stated that the regulations came into effect on the 01 December 2014.

Councillor Alan Ward proposed that Members support Officer's recommendation to adopt Option 2 and this proposal was seconded by Councillor Pauline Helliard-Symons. Councillor Ward stated that the worst case scenario of costs of around £500k was unaffordable. He stated that the data available seemed to indicate that uptake was related to pay rates and it was likely that the take up of the scheme by employers in the public sector would be higher.

The Chairman stated that he too supported the implementation of Option 2 although he could see why the FBU would be recommending Option 1. He was however happy to support the recommendation on the basis that the situation would be reviewed in twelve months time when the legislation had been allowed to bed in.

**Resolved that:**

- the report be noted;
- option 2 (Shared Parental Leave at statutory pay rates) be adopted;
- the situation be reviewed in 12 months after the legislation was embedded and any ensuing case law had emerged.

**31. FIREFIGHTER FITNESS STANDARDS AND ASSESSMENT - CONSULTATION**

Caroline Redzikowska, Director of Corporate Services (DCS), advised the Management Committee of the DCLG consultation and sought guidance on the Fire Authority's response. The DCS noted that a response was required by the 09 December 2014.

It was noted that in November 2013 the Chief Fire and Rescue Adviser had sought views from fire and rescue services on behalf of the Minister for Fire

(Brandon Lewis MP) on a set of fitness principles. The RBFRS had submitted a response and had indicated their support of the principles outlined. The DCLG had then held discussions with key stakeholders regarding how fitness and capability were measured, how safe standards could be maintained and possible legislative changes that could support this work.

In addition a joint working group was being set up to look at issues around fitness and this group would be chaired by the Chief Fire and Rescue Adviser. The DCLG was of the opinion that the best form of guidance to fire and rescue authorities would be delivered through the Fire and Rescue National Framework. However the Secretary of State did not have authority to make regulations requiring FRAs to deal with employment matters such as redeployment. The DCLG had therefore offered two alternatives to the National Framework.

Officers were of the opinion that the first change pertaining to fitness as set out on page 27 of the agenda was reasonable. The second proposed change (page 28) was the same as change 1 but had the additional principle attached which stated that in a situation where despite having no underlying medical condition and a programme of support being put in place the individual was not able to regain the required level of fitness then the authority would need to explore reasonable adjustments or alternative employment. Where no opportunities for reasonable adjustments or alternative employment existed the authority would need to commence its early retirement process for employees aged at least 55 with an authority initiated early retirement pension.

Officers noted that while the number of employees this could affect were likely to be low the costs would be significant. While exact figures would depend on a range of factors including length of service in role it was estimated that this could cost the authority up to £200k. Officers therefore had concerns about accepting change 2 and had based their recommendation on these concerns. The DCS drew Members' attention to the third recommendation which asked Members to determine whether or not the joint working group on fitness should be asked to examine the issues associated with gender and ageing when considering fitness standards.

The Chairman was concerned that the DCLG was using this consultation to draw the fire authority into taking sides in the current dispute. Local firefighters were clear that the dispute was with Central Government and not the RBFRS which meant that there was still goodwill locally.

Councillor Alan Ward was concerned that if change 2 was implemented then local tax payers would have to fund the costs which could be considerable and he therefore did not support that change. The CFO was concerned that situations could arise when an individual chose not to whole heartedly engage in the support being provided and they would be assessed against inappropriate standards and the RBFRS would still have to meet the costs.

Councillor Jeff Brooks queried which of the options most closely reflected the RBFRS's current position. Officers confirmed that this was change 1. Councillor Brooks therefore suggested that change 1 be adopted.

The Chairman stated that he was minded to support the recommendation to adopt change 1 but that this support depended on what the 'reasonable levels of fitness' were. He therefore asked for a codicil to be included that reflected this comment.

Councillor Ward stated that he was a firm believer that a fit workforce

benefitted both the organisation as well as employees. He would therefore be asking for additional funding to ensure that the gym was properly equipped and also to ensure that additional support from a physiotherapist and other relevant therapies could be funded. He felt that a cultural change was required and that Officers needed to be clear that Members were serious about this issue.

**Resolved that:**

- The consultation be noted;
- change 1 be adopted, subject to the reasonable levels of fitness being deemed acceptable, and proposed change 2 be rejected on the basis that the second proposal had the potential to impose unreasonable financial costs on the Authority;
- the response to the consultation should not include a recommendation that the joint working group on fitness, chaired by the Chief Fire and Rescue Adviser, examine the issues associated with gender and ageing when considering fitness standards; and
- the Fire Authority's response to the DCLG consultation on Firefighter Fitness Standards and Assessment be agreed.

**32. HR MONITORING REPORT – STAFF RETENTION, RETIREMENTS, ACCIDENTS AT WORK, SICKNESS AND EQUALITY AND DIVERSITY**

Becci Jefferies, Head of Human Resources (HHR), informed the Management Committee about issues pertaining to staff retention, retirements, workplace accidents, sickness absences and equality and diversity statistics from 01<sup>st</sup> April 2014 to 30 September 2014 within the RBFRS.

The HHR highlighted the following:

- staff turnover remained relatively low (circa 3.4%) and was lower than for the previous year (9.6%) and the national public sector average for the previous financial year (9.4%);
- there were no ill health retirements during this period;
- there was minimal divergence between the authorities equality and diversity statistics and demographics for the area;
- accidents leading to staff sickness absence had decreased by 14.5 duty days when compared to the previous six month period;
- 13 workplace accidents had resulted in 75 duty days being lost;
- The average number of duty days sickness absence had decreased by 5.1 duty days per employee to 4.8 days for this period. This equated to a total of 2579, a reduction of 271 days;
- Wholetime station based staff had shown a decrease in the number of duty days lost whilst Officers and Day Duty, Non Uniform and Control staff had shown an increase;
- The highest cause of sickness absence was still musculoskeletal illness and injury.

The HHR noted that the report also contained information on sickness absence for RDS staff but that this was reported differently due to the nature of their

rota patterns.

Work on improving performance in relation to return to work interviews (RTWIs) was ongoing and the detail was set out in section 3.6 of the report. Managers were being reminded about the need to undertake the RTWIs expediently and HR were looking at best practice to role out across the authority.

Councillor Jeff Brooks noted that paragraph 1.2 stated that 'staff turnover remains relatively low'. However the data showed that current staff turnover was 3.4% which was significantly lower than the 9.6% reported for the previous year and the national average of 9.4%. The Chairman therefore suggested amending the wording to read 'staff turnover is low in this period'.

BJ

**Resolved that:**

- The report and the actions taken/planned to address the issue since the last report be noted subject to the inclusion of the amendment relating to staff turnover.

**33. CREWING LEVEL MONITORING**

The ACFO informed the Management Committee of the crewing levels for wholetime and retained appliances for the second quarter of 2014/15. During this period crewing fell below minimum on 80 occasions and the details were set out in Appendix A to the report. During the corresponding period in the previous year there were 79 such occurrences.

The ACFO noted that the recruitment freeze had successfully delivered significant savings to date but it was now being proposed that the current establishment was not reduced any further. The ACFO also reported that the recent action short of strike had impacted on the ability to maintain a flat line. The IRMP Working party was discussing alternative crewing models which Officers were looking to introduce.

The Chairman queried if the instances where the blue lines in Appendix A dipped below the red line signified that pumps were taken off the run. The ACFO confirmed that this was the case. In response to a query from Councillor Paul Bryant the ACFO explained that where a pump was taken off the run firefighters at work were redeployed to another station or special appliance.

The ACFO noted that August was historically a bad month for cover. Officers were in the process of reviewing the Annual Leave Policy in an attempt to try and redress some of the issues. He felt that it was important to get cover in place as a matter of urgency once the baseline was established whether from RDS employees transferring to wholetime or from the 40 people that had expressed an interest in transferring to the RBFRS.

Councillor Jeff Brooks highlighted the need for managers to look at leave being signed off in August. Councillor Philip Bicknell stated that this situation was undoubtedly exacerbated by parents not being able to take children out of school outside the school holidays. The ACFO noted that the withdrawal of pre-arranged overtime had also had an impact. The Chairman heard what was being said but stated that he did not want to see a situation where leave was set in stone as this would impact on staff morale.

The ACFO reassured Members that Officers were looking into solutions that would work for the workforce, the service and community. He accepted that

recruiting up to the required numbers would cause its own issues.

The CFO explained that the ACFO was trying to stabilise cover while looking at the way the service was configured. A workforce planning exercise was being undertaken and a four year programme being devised which would take into account a range of issues including the rate at which employees were leaving the organisation.

Councillor Bryant asked if the RBFERS liaised with neighbouring authorities about 'borrowing staff' when additional cover was needed. Officers explained that cross border arrangements were in place for certain incidents but the type of cover suggested by Councillor Bryant would be more difficult to implement due to practical issues.

The Chairman noted that at the September Fire Authority meeting ten additional posts had been agreed to but this had not been enacted yet and he asked that this issue be expedited. He therefore requested an additional recommendation requiring Officers to take urgent action to remedy the staffing issues.

**Resolved that:**

- The report be noted.
- Officers take urgent action to remedy the staffing issue.

**34. VERBAL UPDATE ON THE TRAINING COMPANY**

Councillor Phillip Bicknell reported that no meeting had taken place on since the previous Management Committee but that the group would be meeting in two weeks time. Financial reports indicated that the company was showing a profit of £6200 on a turnover of circa £140k. Councillor Bicknell noted that Ray Prior had retired which had impact on the profits as there was a need to buy in more training. A delegation would shortly be visiting the Humberside Authority to see what lessons could be learnt from them about running an arms length company.

**Resolved that:**

- the verbal update be noted.

**35. 2014/15 BUDGET MONITORING**

Andrew Vallance informed Members of the revenue and capital outturns against budgets up to the end of October 2014. He stated that as at the end of October 2014 an overspend of £357k was being reported on the revenue budget. The position at the end of the financial year would depend on the number and pattern of further incidences of industrial action.

Capital expenditure to the end of October 2014 was £429k and was set out in detail in Appendix D. This programme had been revised to take into account funding that would be slipped into the next financial year.

Councillor Jeff Brooks requested that in future two outturns be produced setting out the figures with and without the strike impact.

The Chairman was concerned to note that in respect of the Drill Tower for Slough the project was on hold pending further investigation. He stated that the tower was needed urgently. Officers explained that given the future of the fire

service on this site Andy Parsons (IHE) had been asked to look at cheaper solutions. The Chairman noted that staff had personally highlighted this issue with him. They were concerned about the impact the lack of a drill tower was having on their training and he therefore wanted to see an interim measure put in place as a matter of urgency. The Chairman was also concerned about the delays in respect of the upgrade at Ascot Fire Station. The Chairman stated that he was frustrated at the lack of progress in implementing decisions once they had been made.

**Resolved that:**

- The report be noted.

**36. FORWARD PLAN**

The Royal Berkshire Fire Authority's Forward Plan for was presented to the Committee.

The FBU referred Members to three consultation items highlighted in green on page 82 of the agenda (Review of the role of RDS fire fighters within Berkshire, Response Standards and Crewing Strategy) which were due to be reported back to the Fire Authority at its January 2015 meeting. The CFO stated that following discussions at IRMP the forward plan would need to be updated. The IRMP was revisiting policy and risk modelling and the ACFO agreed to update the FBU Representative outside the meeting.

**Resolved that:**

- the forward plan and proposed amendments be noted.

**37. DATE OF NEXT MEETING**

The next meeting would take place on Monday 9<sup>th</sup> February 2015 at 6.30pm in the Brigade Headquarters, Pincents Kiln, Calcot, Reading, RG31 7SP

**38. EXCLUSION OF THE PRESS AND PUBLIC**

**Resolved:**

That under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following Agenda Items on the grounds that they involve the likely disclosure of exempt information, as defined in the paragraphs 1, 2, 3 and 4 of Part I of Schedule 12A of the said Act indicated and is exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**39. PART II MINUTES OF HE MEETING HELD ON 06 OCTOBER 2014**

**Resolved that:**

That the Part II Minutes of the meeting held on 06 October 2014 be confirmed as a correct record and signed by the Chairman.

**40. PART II – PROPERTY UPDATE**

The Committee considered an exempt report.

**Resolved that:**

- the recommendations as set out in the exempt report be agreed.

**41. WOKINGHAM FIRE STATION TENDER OUTCOME**

The Committee considered an exempt report.

**Resolved that:**

- the recommendations as set out in the exempt report be agreed.

*The meeting closed at 8.15 pm*