

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



Held on Monday 06 October 2014 at 6.30 pm

**Brigade Headquarters, Newsham Court, Pincent's Kiln, Calcot,
Reading, Berkshire RG31 7SD**

- Members:**
- * Councillor Phillip Bicknell
 - Councillor Jeff Brooks
 - (* *present*)
 - * Councillor Colin Dudley (Chairman)
 - * Councillor Paul Gittings
 - * Councillor Pauline Helliard-Symons (Vice-Chairman)
 - * Councillor Edward Plenty
 - Councillor Angus Ross
 - * Councillor Alan Ward (*left at 8.00pm*)
 - * Councillor Paul Bryant (*substitute for Councillor Ross*)

- In Attendance:**
- Trevor Ferguson (Deputy Chief Fire Officer, DCFO)
 - Moira Fraser (Clerk)
 - Andy Fry (Chief Fire Officer, CFO)
 - Becci Jefferies (Head of HR, HHR)
 - Bryan Morgan (Area Manager, Risk Management, AMRM)
 - Caroline Redzikowska (Director of Corporate Services, DCS)
 - Paul Southern Assistant Chief Fire Officer, ACFO)
 - Andrew Vallance (Director of Resources, DR)

Action

3. REPRESENTATIVE BODIES

The FBU confirmed that they did not wish to address the Management Committee on any of the items on the agenda.

4. APOLOGIES FOR ABSENCE

Apologies for inability to attend the meeting had been received from Councillors Angus Ross and Jeff Brooks. Councillor Paul Bryant substituted for Councillor Ross. Councillor Alan Ward noted that he would need to leave the meeting early.

5. DECLARATIONS OF INTEREST

Councillor Paul Bryant declared a personal interest in agenda item 8 as he was a member of the Sponsoring Group for the Joint Thames Valley Fire Control Service.

There were no declarations of interest received from Officers.

**6. MINUTES OF THE MEETING HELD ON 28 JULY 2014 AND
MATTERS ARISING**

That the minutes of the meeting held on 28 July 2014 be approved as a true and correct record and signed by the Chairman subject to the following

amendments:

Page 5, Item 638, 7th paragraph (wording in italics) - Councillor Ward's surname should have been spelt with a capital letter.

Page 2, Item 634, final paragraph, second sentence – This comment made by the CFO to be replaced with 'While he understood that the FBU needed to make an impact he felt that the actions should not be introduced in a way as to bring the authority to its knees.'

(Councillor Paul Bryant did not vote to approve the minutes as he was not present at the meeting.)

7. RECEIPT OF ANNOUNCEMENTS

The Chairman announced that Andy Mancey the Acting Assistant Chief Fire Officer would be retiring from the RBFRS on the 31 October 2014. He wished to place on record his, and the Authority's, thanks for the long and loyal service the A/ACFO had provided to the RBFRS. The Chairman stated that Mr Mancey had worked tirelessly to ensure the safety of the people of Berkshire and that he had always acted in a very professional way.

The Chairman also welcomed Trevor Ferguson the new DCFO to the Authority. He noted that the DCFO had come to the RBFRS from the Northern Ireland Fire and Rescue Service. The DCFO stated that he was delighted to be there and that he looked forward to working with both Officers and Members.

The Chairman reported that since the last Management Committee meeting he and Officers had been meeting with the FBU to overcome some of the issues associated with the localisation of strike action and he wanted to thank the FBU for their involvement in the meetings.

8. ISSUES ARISING FROM THE AUDIT AND GOVERNANCE COMMITTEE

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

9. RECOMMENDATION FROM COMMITTEES

The Committee noted that there were no recommendations from other committees.

10. RETROSPECTIVE WAIVER OF STANDING ORDERS – THAMES VALLEY FIRE CONTROL SERVICE – INTEGRATION OF DS3000 INTEGRATED COMMUNICATIONS SYSTEM

Bryan Morgan (Area Manager, Risk Management, AMRM) introduced the report which sought the Committee's authority to waive Standing Orders, retrospectively, for the supply and integration of the DS 3000 Integrated Communications Control System (ICCS) with the new Capita Mobilising System in both Oxfordshire and Royal Berkshire Fire and Rescue Services (RBFRS) for the Thames Valley Fire Control Service (TVFCS). It had not been possible to identify the potential for the integration until the contract was awarded and the suppliers were known and this had only been notified to the RBFRS about two months previously.

The AMRM explained that the design of the TVFCS control system solution included the need for the mobilising system to be connected to the ICCS to

allow operators to take emergency calls and mobilise resources in the most effective and timely manner. As the call data was electronically duplicated between the systems mobilising times would be reduced significantly (around 30 seconds per call). The jointly procured system would also allow the three partner Services to jointly utilise the control service.

The system supplied by Capita was a bespoke critical system used by emergency services only. This meant that they provided specialist knowledge which guaranteed their warranties, met Service Level Agreements, and they would provide the necessary parts for any repair and relevant repair skills and competence of supplier support on site.

The ARM noted that the TVFCS Programme Sponsoring Group (PSG) had approved a total spend of £167,952 on the scheme. While the PSG had the authority to authorise the expenditure the RBFRS had the responsibility for the procurement contractual arrangements. Oxfordshire County Council had already approved their share of the costs (£70,358.23). The cost to the RBFRS was £97,593.40. While the PSG had the authority to fund the scheme they did not have the authority to insist that the RBFRS waive their standing orders and the purchase order would have to be placed through the RBFRS. The AMRM confirmed that there would be no cost to the RBFRS as the scheme was being funded by Central Government.

Contracts signed by the authority had to be let in accordance with the Contract Standing Orders (CSOs). In exceptional circumstances it was permissible to waive the CSOs. CSO24 articulated the circumstances where it might be appropriate to do so. These included:

- (a) Only one company is considered suitable;
- (b) the contract could only be undertaken by one contractor;
- (g) the expenditure is to be wholly reimbursed by a third party.

Capita were the only provider able to complete the work and the TVFCS would be reimbursing the costs.

There was a genuine need for urgency (d) as the new control function was scheduled to go live on the 10 December 2014 and Capita had only recently supplied the costs. Officers were therefore asking Members to retrospectively waive the standing orders.

Councillor Pauline Helliar-Symons asked why there was a discrepancy in the costs between Oxford and the RBFRS. Officers explained that the additional costs were associated with the fact that the system would have to be moved from the current Control Room where it was being trialled to the new HQ.

Resolved that:

- Contract Standing Orders be waived retrospectively on the grounds set out in the Fire Authority's Contract Standing Orders, CSO 24(a), (b), (d) and (g) for the reasons set out in the report;
- The total cost to Royal Berkshire of £97,593.40 be met by the existing Programme budget and that there be no further cost to the authority

11. REVIEW MANAGEMENT COMMITTEE TERMS OF REFERENCE

Caroline Redzikowska (Director of Corporate Services, DCS) introduced the report which sought to agree the terms of Reference and Membership of the Management Committee. These had been first been agreed by the Fire Authority on the 29 September 2010 and had been reviewed and were unchanged by the Management Committee on the 23 January 2012. In accordance with a recent internal audit it had been agreed that Committees would be required to review their terms of reference annually. Members agreed that the terms of reference were still appropriate and no amendments were put forward.

Resolved that:

- the Management Committee's Terms of Reference and Membership be agreed.

12. DCLG – CONDITIONS OF SERVICE REVIEW CONSULTATION

Caroline Redzikowska (Director of Corporate Services, DCS) introduced the report which advised the Committee of the DCLG's consultation and sought guidance on the Authority's response.

Officers noted that Sir Ken Knight's review, 'Facing the Future', had been published in May 2013 and had highlighted a number of areas where reform could be undertaken. Conditions of service for firefighters had been identified as an actual or perceived barrier to providing a more efficient service to the public. The Government had therefore commissioned an independent review by Adrian Thomas. As part of this process a questionnaire had been sent to all Fire Authorities seeking their views. The questionnaire was in two parts: the first related to statistical information (which has been completed and was set out in Appendix 1) while the second part asked broader questions (Appendix 2). A separate questionnaire had been sent to firefighters directly and was included as Appendix 3 to this report.

Officers had provided some of the information required in Appendix 2 and Members would need to consider these suggestions. In addition there were questions where it would be inappropriate for Officers to provide any suggested responses.

Members agreed that they had no issues with the draft responses provided.

The revised closing date for responses was the 19th October 2014.

In discussing a response to question 21(b) Members debated whether if they answered 'yes' to the question 'Have you pursued co-responding with other emergency services?' whether a response to 21(b) was required. Members noted that the FBU had made a decision at their national conference in 2007 not to support co-responding with other emergency services which was therefore a barrier. Some efforts had however been made to introduce co-responding with South Central Ambulance Service but this was not at a pace or as broadly as the CFO would like it to be.

Members therefore agreed that it would be useful to explain its reasoning in a covering letter.

Members discussed the question (28 (a)) 'Do you think firefighters should have the right to:' There was some debate as to whether answering 'no' to the first

option 'strike' would preclude a response to any of the other options. Councillor Phillip Bicknell proposed that the response to the first question should be 'no' and therefore the rest of the responses would be irrelevant. Councillor Alan Ward stated that perhaps an option would be to answer 'no' to the first question and then provide additional information in the covering letter. Councillor Ward noted that 'certain circumstances' were not defined in the questionnaire. Councillor Ward suggested that for Berkshire the fourth option might make the most sense.

Councillor Ted Plenty stated that in his opinion options 1 and 3 were not mutually exclusive and should be voted on. The DCS agreed that this was an acceptable way to proceed.

It was agreed that the matter would be put to the vote. The Committee concluded that firefighters did not have the right to strike. The Committee also voted to respond 'no' to the option to 'take industrial action short of strike'. Councillor Paul Gittings asked if the covering letter could reflect that this response was not unanimously supported. The Chairman stated that a democratic system was operated at the Authority and therefore the decision of the Committee would be reflected in the response to the DCLG.

Question	Response
13	As per officers suggested response
15	As per officers suggested response
16	As per officers suggested response
17(a)	As per officers suggested response
(17(b)	As per officers suggested response
18	As per officers suggested response
19 (b)	As per officers suggested response
21 (b)	Reasoning to be set out in a covering letter.
23	As per officers suggested response
24	As per officers suggested response
25	As per officers suggested response
26	No, the NJC have a badly constructed arrangement for consulting employing authorities and therefore the views of this Authority are not represented effectively.
27	As per officers suggested response
28 (a)	'no' to the first option 'strike' and 'no' to the option 'take industrial action short of strike'.
28 (b)	No response required.

29 (a)	As per officers suggested response
29 (b)	As per officers suggested response

Resolved that:

- the consultation be noted;
- the Fire Authority's response to the DCLG consultation on the review of conditions be agreed;
- a covering letter be attached to the response setting out comments pertaining to 'co-responding' with other emergency services.

13. HEALTH AND FITNESS

Becci Jefferies (Head of HR, HHR) provided the Management Committee with additional information on sickness absence, return to work interviews and fitness assessments following queries raised about data contained in the HR Monitoring report presented to the Management Committee at the 28 July 2014 meeting.

The information pertained to the six month period from 01 October 2013 to 31 March 2014. Officers had undertaken further analysis of the data based on the queries raised by the Members at the previous meeting.

The previous report had shown that for the six month period return to work interviews (RTW) took an average of nine days to complete. Expectations were that they should be completed within three days of the employee's return to work or within one week in the case of Retained Duty System (RDS) personnel.

A sample of 684 RTW records for the period 01 July 2013 to 01 July 2014 was analysed. The analysis showed that 6.2% of RTW interviews were still outstanding (this ranged from 2% in Control to 11.9% in RDS) and 22.2% were completed out of time (16.3% of wholetime to 40.4% in RDS).

The statistics for the RDS group were hard to measure due to the nature of their shifts. A RTW interview relied on both the RDS employee and the line manager being on station at the same time which often impacted on their statistics.

Various reasons were discovered in the delay in undertaking wholetime employee RTW interviews including further periods of sick, annual leave or sickness of managers, annual leave of staff, Christmas holidays or staff being placed on light duties with Central Team not having the interviews completed.

The reasons for non-uniformed staff were very similar to some of those of wholetime employees namely periods of annual leave and sickness of line managers. Reasons for delays in Control were also similar but also included changes in line managers and unavailability of managers on their rota days.

There were also examples throughout all groups where no viable explanation could be found for RTW interviews not being completed within agreed timescales and further analysis would be undertaken on these to allow targeted solutions to be devised.

It was noted that there were 41 instances where staff had annual leave directly

or soon after periods of sickness. This could indicate abuse of the Policy and therefore required further analysis.

A potential solution included having a qualified member of staff who would undertake RTW interviews when the line manager was not able to. Councillor Paul Bryant supported this proposal. Officers were looking at initiatives from other authority's to establish if any could be employed at the RBFRS.

Councillor Ted Plenty commented on the table set out in paragraph 3.5 of the report. While he understood the reasons for the delays in RTW interviews being undertaken by RDS personnel he was surprised to see that 37.5% of RTW interviews were completed out of time by Control. Officers explained that the reasons for the failure were set out in paragraph 3.6.4 of the report. Work was being undertaken with station managers to understand the trends and highlight any specific issues in this area. A progress report would be brought back to the December 2014 meeting. Councillor Plenty stated that, unless the matter was sensitive, the interviews could be undertaken by another manager if the line manager was unavailable. Officers confirmed that this was an option that was being explored. Councillor Alan Ward concurred that these interviews should be undertaken by the manager on duty at the time of the return to work. Officers explained that sickness data was subject to data protection and therefore there might be issues with sharing information. In addition some illnesses could be masking underlying problems.

Concern was also raised at the previous meeting regarding the proportion of sickness absence taken by non-uniformed staff in the 65 and over age group category. It was noted that there were only a small number of employees in this category and therefore the long term absence of one individual could significantly skew the data.

Further information was being sought from other Fire Authorities in order to undertake a benchmarking exercise for sickness absence by staff group.

Over the previous two years the RBFRS had provided information to the CFOA Occupational Health Committee which published performance of contributing fire authorities. The lead officer for Sickness Absence Management Sub-Group was undertaking further work to establish a 'best practice' sickness absence repository on the CFOA website. This work could assist the RBFRS with identifying further initiatives to assist with reducing sickness absence and promoting health and wellbeing for its employees.

A project aimed at reducing musculoskeletal injury and illness was about to be embarked upon and the outcomes would be reported back to the Committee as appropriate. Employees would be screened for musculoskeletal problems and would have appropriate exercise prescribed to prevent or reduce future illness and injury. There was evidence elsewhere to suggest that this holistic approach was effective in reducing sickness absence.

The Chairman noted that in terms of fitness testing 314 of the 317 wholetime employees had been tested. He was however concerned that only 35 of the 52 in April Officers had been tested. Officers explained that this was probably due to industrial action, the cover arrangements arising from the action and the fact that the health and fitness advisor being on maternity leave. Although maternity cover was in place not all areas had been covered. Officers were subject to an alternative testing regime. The Chairman queried whether the alternative testing would be incorporated into the reporting. Officers confirmed that it would. He therefore stated that it therefore was not a reason for the low number of tests that had been completed. He also felt that the industrial action

would have affected wholetime employees to the same extent as the Officers and therefore it was also not a mitigating factor. Officers stated that it was possible that the figures could include Officers that had been placed on light duty and who were therefore not able to undertake fitness testing. The Chairman asked that if this was the case then it be reflected in the information presented to Members. The CFO accepted that the number of Officers tested was unacceptably low and that this would be looked into and reported back to Members.

Councillor Alan Ward stated that the report made horrifying reading. While he welcomed the report itself he was very concerned about some of the findings. He therefore did not feel that merely noting the report was a satisfactory recommended action. He felt that Members needed to ensure that employees were fit and fit for purpose. Councillor Pauline Helliard-Symons supported these comments and stated that measures needed to be taken to improve the fitness levels of all firefighters at all levels. She felt that it would be useful for Members to better understand what constituted the Authority fitness testing and that it would be useful if this could be included in the next report.

Councillor Paul Gittings had serious concerns about the number of days lost due to sickness absence. He stated that the figures were shocking and was concerned about the impact on the public purse. He was of the opinion that a lot of the absence was as a result of low staff morale and was embedded in the organisational culture. He reiterated the importance of RTW interviews being conducted. He noted that the pass rates in terms of the fitness tests were going up which suggested that the workforce was getting fitter however this had in turn not resulted in a reduction in sickness rates. He felt that it was important to establish why the sickness rates were as high as they were.

Councillor Paul Bryant commented that the pass rates depended on the numbers of employees being tested and as this data was not available for the previous years Councillor Gittings conclusions about the workforce getting fitter might be flawed.

The CFO welcomed the level of challenge being exhibited by members. He stated that it was important that Members held Officers to account as safety of residents could be determined by fitness levels. This was an issue of strategic importance and was reflected as such in the strategic commitment to improve health and fitness levels of firefighters.

He felt that the report provided useful insight and he thanked the HHR for producing it. He had spoken to Councillor Alan Ward as the Authority's Health and Fitness Champion. A workshop would be used to identify ideas by Officers. A coherent programme would then be put together to get the staff well and to keep them well thereby bucking the societal trend of people getting fatter and less active.

The Chairman therefore proposed that the recommended actions be amended by the inclusion of two additional recommendations:

2.2 urgent measures be taken to improve overall fitness of operational staff

2.3 return to work interviews be undertaken within 2 working days.

He felt that these measures should be focussed on in order to look after the health and wellbeing of staff as well as their emotional fitness.

The CFO stated that he felt that the word 'operational' should be removed from recommendation 2.2 and that this should apply to all staff and officers. He felt

that it was important to set realistic targets and although informal interviews could take place within two working days the formal RTW interviews should have a target of three working days. The Chairman stated that these interviews could be conducted over the telephone in some cases. The CFO stated that he supported early contact but noted the need to undertake the formal documented process. Councillor Alan Ward stated that it would be useful if more staff could be trained to undertake the RTW interviews so that there would be more people available to undertake them. Councillor Phillip Bicknell stated that he was aware that other organisations used third parties to undertake these interviews. This would negate the need for staff to be trained, they would be in a position to provide impartial and confidential advice and the system could be conducted in a more clinical way and he asked that Officers explore the potential to introduce this system.

The Chairman drew Members' attention to the tables on page 22 of the agenda which set out the testing that had been undertaken by stations. He noted that the statistics for station 5 and 9 were particularly poor and he requested that this be taken up with them and that appropriate training be put in place to ensure that this situation was corrected.

Following the discussions it was agreed that the recommendations be amended as follows:

- 2.2 urgent measures be taken to improve overall fitness of all staff and officers;
- 2.3 return to work interviews be undertaken within 3 working days.

Resolved that:

- the additional information presented be noted;
- urgent measures be taken to improve overall fitness of all staff and officers;
- return to work interviews be undertaken within 3 working days.

14. VERBAL UPDATE ON THE TRAINING COMPANY

Councillor Phillip Bicknell reported that no meeting had taken place since the previous Management Committee. Reports on the financial position of the company had however been received and they appeared to be on track to make a profit despite the apparent loss being shown over the Summer months. He noted that one of the employees had given notice that they wished to retire. A delegation would also be going to the Humberside Authority to see what lessons could be learnt from them about running an arms length company.

(Councillor Alan Ward left the meeting at 8pm).

Resolved that:

- the verbal update be noted.

15. VERBAL UPDATE ON EMPLOYERS OFFER TO FBU ON RETAINED PENSIONS

Becci Jefferies (Head of HR, HHR) provided the Management Committee with a verbal update on the employers offer to the FBU on retained pensions. The process had been started on the 01 April 2014 and had to be completed by the

01 April 2015. All eligible employees had been written to and by the 23 October they would have to be provided with a calculation based on the Calculator Tool provided by the DCLG. To date 63 employees had indicated that they required additional information. HR and Finance had provided the figures and the category the employees fell into as defined by the options exercise. The employees then had four months to respond and a reminder would be sent after three months.

While the DCLG had provided a calculator tool they had not provided any other guidance that could be passed onto employees. Officers were therefore consulting other services to share information.

Officers were confident that this work would be completed on time.

Resolved that:

- the verbal update be noted.

16. 2014/15 BUDGET MONITORING

Andrew Vallance stated that at the end of August 2014 an overspend of £198k was being reported. The overspend was primarily attributable to the industrial action. Officers were confident that if no further action took place the overspend could be covered off by underspend in other parts of the budget.

Resolved that:

- the report be noted.

17. FORWARD PLAN

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

Resolved that:

- the forward plan be noted.

18. DATE OF NEXT MEETING

The next meeting would take place on Monday 01 December 2014 at 6.30pm in the Brigade Headquarters, Pincents Kiln, Calcot, Reading, RG31 7SP

19. 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.

20. PART II MINUTES OF HE MEETING HELD ON 28 JULY 2014

Resolved that:

That the Part II Minutes of the meeting held on 28 July 2014 be confirmed as a correct record and signed by the Chairman.

21. PART II BRIEFING NOTES OF THE MEETING HELD ON 05 AUGUST 2014

Resolved that:

That the Part II briefing notes of the meeting held on 05 August 2014 be confirmed as a correct record and signed by the Chairman.

The meeting closed at 8.13pm.