

10. Adjustments to Conditions of Service for staff on the Retained Duty system

Purpose of report

1. To inform the Policy and Resources Committee of the implications of recent changes to the Scheme of Conditions of Service for staff on the Retained Duty system.

Recommendation

The Chief Fire Officer recommends that the Policy and Resources Committee note the implications of the changes to the Scheme of Conditions of Service for staff on the Retained Duty system.

Background

2. Members may be aware of the recent Employment Tribunal test cases against two Fire Authorities, Kent and Berkshire, which were submitted in 2001 under the Part-time Workers (Prevention of less favourable treatment) Regulations. Those test cases have been subject to the Employment Tribunal, Employment Appeal Tribunal, Court of Appeal and House of Lords processes, returning finally at the request of the House of Lords to the original Employment Tribunal for re-consideration and determination.
3. The Tribunal found in favour of the retained firefighters and a settlement has been negotiated with the Fire Brigades Union and the Retained Firefighters Union. The settlement includes withdrawal of approximately 14,500 Employment Tribunal cases. The compensation payable is up to a maximum of £750 per retained firefighter which amounts to a total cost of £209,182 to Hereford & Worcester Fire and Rescue Service.
4. The remaining aspect of the Employment Tribunal cases is that of the position of pension scheme access which is a separate matter between DCLG and the Retained Firefighters Union.
5. In accordance with the outcome of the cases there are a number of amendments to the Scheme of Conditions of Service (commonly referred to as the Grey Book) that have been agreed to by the National Joint Council in order to ensure Grey Book compliance with the Part-Time Worker Regulations. Circular NJC 4/11 is attached at Appendix 1.

Impact of the Changes to the Scheme of Conditions of Service

6. Relevant managers are working with the Representative Bodies on the practicalities of implementing the changes.
7. There are three key changes that will have a financial impact on Hereford & Worcester Fire and Rescue Authority. These are effective from 1 July 2010 and relate to acting up, a day in lieu for working on a public holiday and reimbursement of NHS charges.

Conclusion/Summary

8. The Chief Fire Officer recommends that Members of the Policy and Resources Committee note the financial impact on the Authority.

Financial Considerations

Consideration	Yes/No	Reference in Report i.e. paragraph no.
There are financial issues that require consideration	Yes	Paragraph 7

Legal Considerations

Consideration	Yes/No	Reference in Report i.e. paragraph no.
There are legal issues e.g. contractual and procurement, reputational issues that require consideration	Yes	Paragraph 2, 3 and 5

Additional Considerations

9. The table below sets out any additional issues contained in this report and identifies the relevant paragraphs in the report where such issues are addressed.

Consideration	Yes/No	Reference in Report i.e. paragraph no.
Resources (e.g. Assets, ICT, Human Resources, Training & Development, Sustainability).	Yes	Paragraph 6
Strategic Policy Links (e.g. IRMP, Authority Plan, Equality & Diversity, Partnerships, Environmental Impact).	No	
Risk Management / Health & Safety (e.g. risk management and control measures, risk register score).	No	
Consultation with Representative Bodies	Yes	Paragraph 6

Supporting Information

Appendix 1 – Circular NJC 4/11

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