

1200 Trade Union Protocol

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OTHER (CROSS) REFERENCES:	
NJC, Scheme of Conditions of Service, Sixth Edition 2004 Grey Book	
NJC, National Agreement on Pay and Conditions - Green Book	
NJC, Constitution and Scheme of Conditions of Service – Gold Book	
Health and Safety Policy, eDocs1340	
NJC Protocol - Circular NJC/08/07	
ACAS Code of Practice 2010.	
<u>Discipline Procedures (Support Staff)</u>	
<u>Discipline Procedures (Uniformed)</u>	
Grievance Procedure (Support Staff/Uniformed), eDocs 1226, <u>1182</u>	

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PART 1 – POLICY SECTION

1. INTRODUCTION

1.1 Guiding Principles

The Fire Authority (“The Authority”):

- Recognises and supports the principle of co-operation between employer, employees and Trade Unions to help ensure the successful delivery of the service and the management of change.
- Has a strong commitment to fostering effective industrial relations by engaging in meaningful, open and regular dialogue.
- Supports and recognises that managers and Trade Union officials must work together for the benefit of the Service, its employees and local communities, and will promote joint solution seeking through effective communication, consultation and negotiation.
- Is committed to working with the Trade Unions to promote and maintain the health, safety and wellbeing of all employees in accordance with the relevant legislation.
- Is committed to working with the Trade Unions to develop a culture of continuous improvement and learning.

1.2 Aims and Purpose of the Protocol

The Authority recognises that Trade Union representatives, Union Learning representatives and Health and Safety representatives are entitled to reasonable time off to fulfil their duties and to undertake appropriate training to fulfil those duties. This includes time off to attend Pension Board training and meetings. The Authority and the Trade Unions agree as a fundamental principle that each request for time off must be balanced against the operational requirements of the Service, but commits to the principle that reasonable requests should not be *continually refused due to staffing*.

The Authority also recognises that Trade Union representatives and Trade Union members have the right to take part in lawful industrial action.

This protocol contains the practices and procedures which are in place to facilitate this and the formal mechanisms for consultation and negotiation.

In drawing up this protocol reference has been made to all relevant legislation, the ACAS Code of Practice on Time Off for “Trade Union Duties and Activities” 2010, Trade Union and Labour Relations (Consolidation) Act 1992, the HSE guidance document “Consulting Workers in Health and Safety” 2012, the Safety Representatives and Safety Committee’s Regulations, and the National Joint Council (NJC) Protocol “Joint Protocol for Good Industrial Relations in the Fire and Rescue Service”.

2. RECOGNISED TRADE UNIONS

The Fire Authority currently recognises the following Trade Unions:

Uniformed

Fire Officers’ Association (FOA)
Fire Brigades Union (FBU)

Support Staff

UNISON

Although not a Trade Union, the Service also recognises the Fire Leaders Association for Principal Fire Officers (FLA).

3. PAID TIME OFF FOR TRADE UNION DUTIES

The Authority recognises that accredited Trade Union representatives are entitled to reasonable time off with pay, subject to the needs of the Service, to undertake duties, and the necessary preparatory work. However, it should be noted that there may be occasions when, due to the nature of the work, the needs of the Service will override the ability of management to give time off (‘the business need’), e.g. emergency operational incident, staffing levels and resilience.

The following list is neither exclusive nor exhaustive but illustrates the nature of duties, and preparatory work for which time off with pay may be granted:

- Discussions with managers on terms and conditions of employment or the physical working conditions e.g. pay, hours of work, holiday and holiday pay, sick pay arrangements, pensions, learning and training, equality and diversity, notice periods, the working environment and use of equipment and machinery.
- Allocation of work or the duties of employment as between workers or groups of workers e.g. flexible working practices and organisational restructures.
- Dealing with matters of discipline e.g. attendance at formal hearings as a representative. The representative may address the hearing in

cases of discipline and grievances, but may not answer questions on the employee's behalf.

- Opportunity to engage with new staff during an induction programme for recruiting to the Trade Union.
- Negotiation, consultation and other procedures, examples include: collective bargaining, grievance procedures, joint consultation, communicating with members, communication with other union representatives and union full time officers concerned with collective bargaining with the Authority.
- Receipt of information from the Employer and consultation by the Employer for collective redundancies or where there is a transfer of an undertaking under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).

Full details of the statutory right to paid time off for trade union duties are contained in Section 168 and Section 168A of Trade Union Labour Regulations (Consolidation) Act (TULR(C)A) 1992 and the right to be informed and consulted is contained within Regulation 13 of the TUPE Regulations 2006.

The duties of a Trade Union Representative must be connected with, or related to, negotiations or the performance of functions both in time and subject matter. Therefore, reasonable time off may be sought to make preparations for attending meetings, inform members of progress and outcomes and prepare for meetings with the Authority about matters which the trade union only has representational rights.

NB. Where a Trade Union is not recognised, employees have no statutory right to time off to undertake any duties, except that of accompanying a worker at a disciplinary or grievance hearing.

4. UNPAID TIME OFF FOR TRADE UNION ACTIVITIES

Trade Union activities are those activities relating to the running of and participation in the affairs of the Union. The Authority recognises that accredited Representatives are entitled to reasonable time off without pay, during working hours, subject to the exigencies of the Services, to take part in Trade Union activities. Reasonable time off is also permitted during working hours to access the services of a Union Learning Representative.

It should be noted however that there is no right to time off for Trade Union activities which themselves consist of industrial action.

The following list is neither exclusive nor exhaustive but illustrates the nature of activities for which time off without pay may be granted:

- Attending workplace meetings to discuss and vote on the outcome of negotiations with the employer.
- Meeting full-time officials to discuss issues relevant to the workplace.
- Voting in Union elections.
- Access to services provided by Union Learning Representatives.

Examples of activities where the Representative is acting as an official of a recognised Trade Union include:

- Branch, Area or Regional meetings of the union where business of the union is under discussion.
- Meetings of official policy making bodies, such as the executive committee of annual conference.
- Meetings with full-time officials to discuss issues relevant to the workplace.

Whilst recognising that there is no entitlement to paid time off for Trade Union activities, the Service will consider on a case by case basis where the Union official is involved in an activity as a regional or national officer as to whether the time off will be paid or unpaid.

5. FUNDED FACILITY TIME FOR TRADE UNION REPRESENTATIVES

So as to foster good industrial relations within the Service the Authority have agreed to support the following time off on a proportional basis to the level of the membership:

- 5 days per week – FBU (1 full time official)
- 1 day per week – FOA
- 1 day per week – Unison

The above will be reviewed on an annual basis, normally April, following the notification of Trade Union members. Management of

trade union representatives will remain with the employee's line manager for purposes such as appraisal, time off, annual leave, sickness reporting etc. The FBU full time official, will be line managed by the Head of People and Development.

A requirement of the full time FBU representative is to ensure when planning availability, that casework and the representation of members in relation to discipline and grievance matters takes precedence over other Union activities.

The Trade Unions will be responsible for the payment of all travelling and subsistence expenses. Where the Service convenes a meeting e.g. JCNP, Fire Service vehicles may be used. If the Representative convenes a meeting, own vehicles must be used and the Representative will be responsible for any travel expenses incurred.

6. TIME OFF FOR UNION LEARNING REPRESENTATIVES DUTIES

The Authority recognises that accredited Union Learning Representatives are entitled to take reasonable paid time off, to undertake the duties of their role, subject the business need, in accordance with the Section 168A(1) TULR(C)A.

The main functions for which paid time off as a Union Learning Representative will be allowed are:

- Analysing learning or training needs.
- Providing information and advice about learning or training matters.
- Arranging and supporting learning or training.
- Promoting the value of learning or training.
- Consulting the employer about carrying on any such activities.
- Preparation to carry out any of the above activities.
- Undergoing relevant training.

In order to avoid repetition and eliminate duplication, an annual update will be submitted and discussed with the Head of People and Development.

7. TIME OFF FOR HEALTH & SAFETY REPRESENTATIVES DUTIES

The Authority recognises that accredited Health & Safety Representatives are entitled to appropriate paid time off to carry out health and safety functions and duties to attend relevant training courses.

The main functions for which paid time off as a Health & Safety Representative will normally be allowed are:

- To represent employees in consultation with their employer and to co-operate effectively in promoting and developing measures that

- will ensure the health and safety of employees at all times through effective monitoring.
- To investigate potential hazards and dangerous occurrences at the workplace and to examine the causes of accidents at the workplace.
- To investigate complaints by an employee they represent relating to that employee's health, safety or welfare at work.
- To make representations to the employer on matters arising out of any of the above.
- To make representations to the employer on general matters affecting the health, safety and welfare at work of the employees in the workplace.
- To carry out inspections in the workplace, but only after giving the employer reasonable notice.
- To represent on activities relating to Health & Safety and to receive information from inspectors.
- To attend meetings of safety committees as a representative in connection with any of the functions.
- To attend and provide representation at the Mental Health Steering Group.

8. TIME OFF FOR TRAINING AND ATTENDANCE AT CONFERENCES

Training

Employee Representatives are permitted reasonable paid time off during working hours to undergo training relevant to carry out their duties. This training will generally be for officials and will be subject to the exigencies of the Service.

Any training should be in aspects of employment relations relevant to the duties of an official and have the approval of the TUC and/or the Trade Union itself.

Conferences

As a general principle, through the local agreement between the Service and the FBU, paid time off will be granted for the equivalent of 2 delegates (8 shifts) to attend the annual conference, broken down as follows:

- 1 delegate place for 4 days, should be the full-time FBU representative;
- Delegate places for other named FBU rep(s) attending, up to a maximum of 4 shifts (can be split between up to 2 other reps)

9. PAYMENT AND EXPENSES FOR TRADE UNION DUTIES

Representatives will receive their normal hourly rate of pay for the period of time taken off. Payment will not be made for attendance on days when they would not normally be at work – e.g. rota days. The Service will endeavour to schedule meetings under the purview of this protocol to ensure the working

patterns of representatives are taken into account.

Payment will be made for travelling time when this falls within normal working hours.

Part time employees will be paid their normal hourly rate of pay for actual hours' attendance even if this exceeds their normal working hours.

Expenses incurred through attendance at Trade Union meetings, external meetings and training courses will not be met by the Fire Authority and should be claimed via the Union.

10. RECORDING AND MONITORING TIME OFF

Trade Union representatives must seek approval for time off in advance from the Head of Department, via their Station Manager/Non Uniformed Line Manager. Approval will not be given retrospectively. Taking Trade Union leave without approved authorisation may result in this being treated as unauthorised absence, which may result in disciplinary action being taken.

The day-to-day line management of the full time FBU representative should ensure that the requirements of the Lone Working policy are satisfied. This will make it incumbent on the full time FBU representative to maintain regular contact with line management and ensure the visibility of their calendar to enable regular meetings to be programmed.

There is a requirement for the full time representative to maintain competence commensurate to their substantive role. This will require attendance on an annual BA refresher course and there may be an expectation to attend further operational courses to maintain competence. The exact frequency and type of activities to be undertaken to meet this requirement will be agreed between the Head of Service Delivery and the full time official.

All Trade Union leave will be monitored by the HR function and will be reported and published annually on the CFRS website in line with HM Government requirements for the Public Sector Facility Time Publication.

11. INDUSTRIAL ACTION

11.1 Union Officials and Industrial Disputes

The Service and the Trade Unions have responsibility to use agreed procedures to settle disputes and avoid industrial action. Time off may therefore be permitted for this purpose, particularly where there is a

dispute. There is no right to time off for Trade Union activities which themselves consist of industrial action.

During a ballot, strike action or related campaigning, Union Officials and members may not:

- Place banners/posters on Fire Authority premises or vehicles
- Use, damage or deface Fire Authority property in any way
- Wear any item of Fire Authority uniform or PPE.
- Engage in behaviour or conduct that constitutes any form of bullying, harassment or intimidation.

The above list is not inclusive or exhaustive; please refer to the guiding principles for further information regarding strike action. (Appendix 3).

A breach of any of these conditions may result in disciplinary action being taken.

12. FACILITIES

The Service will make available to representatives, wherever, possible, reasonable facilities necessary for them to carry out their duties efficiently and communicate effectively with their members. Permission from the Head of Department is required for Union meetings undertaken on any Fire Authority premises and these meetings must not be used for the purpose of inciting industrial unrest or to further a dispute.

As a minimum, the Service will ensure that accredited Trade Union Officials will have reasonable access to the following facilities, without charge, in the performance of their duties:

- Accommodation for meetings;
- Internal telephone call and reasonable external calls;
- PC and other office equipment;
- Reasonable use of photocopying facilities for internal purposes (monitored annually)
- Reasonable secure filing space;
- Notice boards;
- Internal communication systems, including mail, email and intranet services.

The ICT Acceptable Use Policy must be followed at all times. Further information and guidance on what facilities are available can be located in the Guidance Section of the policy (Section 3, FAQ's).

NB Misuse of any of the Fire Authority's facilities may lead to disciplinary action and/or withdrawal of those facilities.

Any additional facilities accessed, including for example, the use of authority vehicles, external postage and printing services will be charged for at an appropriate rate. This should be done in conjunction with Customer Services.

Dedicated Office Accommodation

In order to foster good working relationships, the Service will provide office space and related facilities to enable the FBU full time official to carry out the day-to-day functions of the Union.

PART 2 - PROCEDURES SECTION

13. TRADE UNION NOTIFICATION

13.1 Notification of Trade Union Officials and Representatives

Trade Unions are required to inform the Service of the appointment and resignation of authorised Officials and Representatives. This information should be provided to the Chair of the JCNP on an annual basis by 31 March. Any changes throughout the year should be notified to the Chair of the JCNP at the time of change. Failure to do so may result that no time off will be granted or facilities made available.

13.2 Notification of Trade Union Members

Trade Unions also need to provide management with a list of numbers of employees who are members of the recognised Trade Union. Numbers should be confirmed to the Head of People Services annually by 31 March. Failure to do so may result that no time off will be granted or facilities made available.

14. Information, Consultation and Negotiation

- 14.1 Information is a process whereby Management share updates and information which does not require a decision or consultation, but is of mutual interest.
- 14.2 Consultation is the process by which management and employees, or their officials, jointly examine and discuss issues of mutual interest. It involves seeking mutually acceptable solutions to problems through a genuine exchange of views and information. Matters for consultation are those that do not require collective agreement.
- 14.3 Negotiation is the means by which employers and recognised trade unions seek to reach agreement through negotiation on issues which are the subject of collective negotiation and agreement, e.g. contractual changes. Negotiation will typically follow a period of consultation and will be conducted formally at meetings of the Joint Consultative and Negotiating Panel (JCNP).

To assist all parties at local level the NJC has already agreed model consultation and negotiation procedures which are contained in the Scheme of Conditions of Service (Grey Book) that promote joint solution seeking. Both procedures contain principles which all parties have agreed to adhere to.

The simplest explanation of the difference between consultation and negotiation is that anything which is contractual and therefore needs the

agreement of the individual employee or their trade union on their behalf is negotiation. Everything else is consultation. The standard issues referred to in a person's contract are matters which require agreement to change, and are therefore negotiable. Basically this covers remuneration, hours of work, leave entitlements and any other conditions of service. It may also cover local policies and procedures not specified within the Scheme of Conditions of Service (Grey Book), or NJC circulars, where they are within the individual's contract.

14.4 Stage 1 - Joint Consultative and Negotiating Panel (JCNP) (Uniformed & Support)

Function

The function of the JCNP is to provide a regular means of consultation, negotiation and ratification between Officers of the Fire Authority and elected representatives of its employees, on matters relating to employment and the implications of changes to service delivery. The JCNP will not consider matters that have been designated for consideration by the Service Joint Health, Safety and Welfare Committee.

Uniformed and support staff will have their own separate JCNP.

No matters relating to the circumstances of an individual employee can be considered by the Panel. Individual grievances should be pursued through the Grievance Procedure.

Terms of Reference for JCNP include:

- Changes relating to new and existing policies, which have cross departmental /strategic implications that could impact on a political or economic level.
- Key consultations – IRMP/ Service Improvement reviews.
- Changes to Terms and Conditions.
- Duty System Reviews.

Representation

The JCNP Panel will comprise of the following (dependent upon the meeting i.e. Uniformed or Support):

JCNP for Uniformed Employees:

- Head of People & Development (Chair)
- Deputy Chief Fire Officer
- Assistant Chief Fire Officer
- Head of Service Delivery
- 2 FBU Officials
- 1 FOA Official

JCNP for Fire Staff Employees:

- Head of People and Development (or their nominee)
- Minimum of 1 UNISON Official (or nominated staff representative).

Other managers within the Service will attend and present as appropriate.

The Chief Fire Officer, Heads of Department and the Regional Organisers of the Unions have the right to attend the meeting by invite and/or request.

Meetings

There will be a minimum of 6 scheduled meetings per year for uniformed staff, typically these are held every other month.

There will be a minimum of 4 scheduled meetings per year for fire staff (which may be cancelled if there are no items for consideration). An urgent meeting may be called at the request of either side, normally within 10 working days following receipt of the request.

The JCNP meeting for uniformed staff may be split as appropriate to recognise the Middle Managers Negotiation Body (MMNB). Further details regarding this are below, para 14.6.

Administration

The Fire Authority will provide secretarial support and administration for the meetings.

Items for the agenda must be submitted at least 10 working days prior to the meeting on the JCNP Agenda Request Proforma outlined at Appendix 1. Items will not be added to the agenda without the proforma accompanied by any supporting paperwork that will help all parties to understand and consider issues prior to the meeting.

JCNP agenda items will only be accepted where it can be evidenced that the issues have been discussed and exhausted within the appropriate meetings/policies prior to escalation to the JCNP.

It needs to be clear whether the item submitted is for consultation or information purposes and will be reflected on the agenda as (C, N or I).

Proposed agenda items and the minutes from previous meetings will be circulated to all parties at least 5 days prior to the next meeting.

The business of the meeting will be limited to those items on the agenda, except where urgent business may be discussed at the request of either side.

Minutes from previous meetings will be agreed at the next JCNP meeting. Actions arising from the meeting will be included within the minutes, which will be circulated within 5 working days of each JCNP meeting.

All items for information, consultation and negotiation are recorded on the JCNP Consultation Register.

Decisions

All parties will attend the JCNP with the authority to make binding decisions on elements that are subject to negotiation. However, any agreements reached at the Panel that are outside of the management/Union mandate will be subject to the approval of the Fire Authority/Executive Council. Where this is required, such approvals are to be given at the earliest opportunity.

If there is a failure to reach an agreement at JCNP for an item under negotiation (Stage 1), within 14 working days the parties shall decide whether or not to continue discussion at this stage, refer to the next stage or end the discussion. If agreement cannot be reached, the management or Trade Union can refer the matter for consideration to the Joint Consultative Committee (Stage 2) – see para 15.

14.5 Joint JCNPs

Where there are issues which affect all employees of the Authority, joint meetings may be called with all representative bodies in attendance, subject to all parties being in agreement.

The constitution and functions of these meetings will be as outlined within paragraph 14.4 above.

14.6 Middle Managers Negotiation Body (Station Manager to Area Manager)

The Authority recognises that it will support this body and allow middle managers the ability to negotiate under collective bargaining.

The JCNP meeting will incorporate any items from middle managers if appropriate.

For MMNB purposes, if there is any item discussed that does not get a consensus view from the Trade Union sides, management will consider the view of the Trade Union representing the largest number within that group.

The administration and procedures of this part of the JCNP will be exactly as those outlined in paragraph 14.3.

15. JOINT RESOLUTION/FAILURE TO AGREE PROCEDURES

If agreement cannot be reached at JCNP, the management or Trade Union can refer the matter for consideration to the Joint Consultative Committee.

15.1 Stage 2, Joint Consultative Committee (JCC) – Uniformed and Support Employees

Function and Terms of Reference

To consider issues of dispute referred to it by the Joint Consultative and Negotiating Panel (JNP).

No matters relating to the circumstances of an individual employee or matters that have previously been agreed can be considered by the JCC. Individual grievances are pursued through the Grievance procedure.

Representation

The JCC will comprise of:

- Four Members of the Fire Authority (*that are not members of Policy Committee*)
- Chief Fire Officer (Advisory capacity only)
- Monitoring Officer
- Head of People & Development (Advisory capacity only)

Trade Unions

- 3 FBU Officials
- 1 FOA Official
- 1 UNISON Official (where applicable)

Union representation will be determined by the purpose for which the JCC has been convened. Availability of those in an advisory capacity should not frustrate or delay the process.

The Quorum is three Members of the Fire Authority.

Chair

The Chair will be appointed by the Fire Authority at its Annual General Meeting.

Officers

The Chief Fire Officer (or their representative), the Head of People & Development or other senior officers with knowledge of the issues under discussion will attend meetings of the Committee to act in an advisory capacity.

Meetings

Meetings will be arranged within 28 working days of any matter being referred by the JNP, subject to the availability of Members, or of the JCC panel.

Administration

The Governance and Corporate Planning Manager will provide secretarial support and administration for the meetings.

Items and supporting paperwork for the Agenda must be sent to Democratic Services at least 10 working days before the meeting. The agenda and supporting papers will be sent to all members of the Committee at least 7 working days before the meeting.

The business of the meeting will be limited to those items which appear on the agenda.

Copies of agreed minutes will be circulated to all Members of the Committee within 10 working days of the date of the meeting. Issues will be reported to the Fire Authority.

Procedure

The Chair will invite the referring party to explain why they have registered a failure to agree, and elevated the matter to the JCC. The Chair will then invite the other party to respond.

Outcome

Either:

- i) a mutually acceptable outcome is achieved; or
- ii) it remains open to either party or the JCC collectively to refer the matter for external assistance to assist the parties further with their negotiations; or
- iii) either party or the JCC collectively might refer the matter for arbitration.

15.2 Stage 3, External Assistance

Where issues have reached JCC and either Members of the Fire Authority or the Trade Union side considers that external assistance may assist in resolving an issue, it may request the agreement of the other parties to this approach, and no party will unreasonably withhold agreement to such a request once the internal process has been exhausted. Such a request shall be made within 10 working days of completion of discussion at JCC.

Depending upon the issue for resolution the parties may jointly agree to refer the issue to:-

- The NJC for Brigade Managers (Gold Book).
- The NJC Joint Secretaries (Uniformed employees).
- The NJC Resolution Advisory Panel (which shall comprise an Independent Chair and the Joint Secretaries) to assist the parties further with their negotiations (Uniformed employees).
- The NJC Technical Advisory Panel
- Other mutually agreed persons for conciliation or mediation.

15.3 Duty Systems for Uniformed Employees

Where, following discussion, there is no agreement between the Authority and recognised Trade Union over a proposed duty system for uniformed employees (and it does not accord with the principles of any

of the existing national duty systems) the difference can be referred by either party to the NJC's Technical Advisory Panel (TAP) and no party will unreasonably withhold agreement to such a request.

15.4 Decisions

Any agreements reached may be subject to the approval of the Fire Authority where this is required.

15.5 General

Where an issue is subject to discussion/resolution under the Joint Resolution Procedure neither side will seek to take any collective action or introduce change.

Any difference over the application of the above paragraph will be resolved by reference to the Independent Chair of the Resolution Advisory Panel (RAP) - (Uniformed Employees only).

The flowchart found at Appendix 2 details the Joint Resolution Procedure.

16. FORMAL ARRANGEMENTS – OTHER MEETINGS

Budget Consultations

As part of the IRMP budget setting process for the following financial year, elected Members will meet with Officials of all the Trade Unions to brief them on the financial position and to receive comments on the budgetary IRMP proposals. This will normally take place at the Members Planning Day in January each year.

Staff Survey Consultations

The Trade Unions will have the opportunity to attend a meeting to review and discuss the results of the externally facilitated service wide staff surveys prior to wider circulation. They will also be invited to propose questions for inclusion.

Correspondence

Where recognised Officials wish to correspond with the Authority regarding a Service-related issue copies of such correspondence should be provided to the Chair of JCNP.

17. LOCAL ARRANGEMENTS

17.1 Station Joint Consultative Panel (Station JCP) and Service Delivery JCP (SD JCP)

The function of the Station JCP is to provide a structured and regular means of consultation between local management and employee officials. Separate Station JCP's take place at local stations across all duty systems.

Regular dialogue will be undertaken with the relevant Trade Unions, and a record of items under discussion that are either recurring or discussed across stations without consensus will be escalated to the main Service Delivery JCP. This quarterly meeting is chaired by the Head of Service Delivery and addresses issues that either affect a number of stations, or cannot be resolved at a local level. This meeting is minuted and, subject to any failure to agree at this point. The Trade Union and Head of Service Delivery decide if they need to escalate certain issues to corporate level via the JCNP, depending on the nature of the issue.

A copy of the agenda and the minutes should be made available to the Head of Service Delivery and the nominated Trade Union Officials who attend each SD JCP meeting.

SD JCP meetings will take place on a quarterly basis, although urgent meetings may be called by either side within 10 working days of the receipt of the request. These meetings may be cancelled if there are no items for consideration and will be chaired by the Station Manager.

Items and supporting documentation for the Station JCP agenda must be sent to the Station Manager at least 5 working days prior to the meeting. Documents submitted need to be clearly identified as for consultation (C) or for Information (I) purposes which will be reflected on the agenda. The agenda and any attachments will be circulated to attendees 2 working days prior to the meeting.

Minutes of the meeting will be circulated within 10 working days of the meeting with a further 7 working days given to confirm accuracy.

The agenda and minutes need to represent the fact that relevant items should also be raised by the Trade Unions.

Any agreements reached during the meeting may be subject to the approval of the Service Delivery Manager.

The Station JCP panel will comprise of, where appropriate:

- Station Manager (Chair)
- 1 FBU Official
- 1 FOA Official
- 1 Unison Official or nominated staff representative.

To reduce costs and bureaucracy relating to travel expenses, minutes of the meeting should be taken by the Station Manager or the Admin Hub Manager where possible.

The SD JCP will comprise of, where appropriate:

- Head of Service Delivery (Chair)
- 1 FBU full time representative
- 1 FBU branch official (relevant to the agenda item/s)
- Service Delivery Manager for the Unitary areas.
- Admin Hub Manager (minute taker)

17.2 Emergence of issues from the Service Delivery JCP meetings

Minutes from the SD JCP meetings will be scrutinised by the Head of Service Delivery to ensure that any emerging issues which could potentially be a Service-wide issue are highlighted.

The Head of Service Delivery will liaise with the Chair of JCNP in respect of any items that require discussing at the Corporate JCNP. The full time Trade Union representative can also ask for agenda items to be tabled at the Corporate JCNP.

17.3 Ad Hoc Reviews/Projects

There may be occasions when there are items for consultation arising out of larger Service-wide reviews.

Trade Union representatives will be invited to contribute and discuss any projects that fall outside the normal protocol as part of the working group for the project. This will hopefully ensure that all issues receive appropriate meaningful dialogue and consultation.

Where such a working group exists, a relevant Trade Union official may be invited as a representative to be part of the working group on the review. The representative will give feedback and input to any proposals as they would in a JCNP process.

In these situations, the Corporate JCNP will have the role of:

- a) Nominating a relevant Trade Union Representative to be part of the working group on the review.
- b) Noting and monitoring that such meetings are occurring as an addition to the Corporate JCNP.
- c) Receiving the minutes and agenda of such meetings.
- d) Considering the proposals from any such meetings to ensure consistency and to highlight any service-wide implementations.

18. HEALTH, SAFETY AND WELFARE

18.1 Joint Health, Safety and Welfare Committee (JHSWC)

The committee provides a regular forum for supporting the principle of cooperation between management and employees in instigating, developing, carrying out and reviewing measures to ensure the health, safety and welfare of all employees and the public. This will include keeping under review the Health and Safety Management Policy of the Service, and the organisational arrangements for fulfilling it. Further information regarding the committee and the terms of reference can be found in the Health and Safety Management Policy (eDocs number 1340).

18.2 Health & Safety Officials

Health & Safety Officials are required to represent employees in consultations with employers to promote and develop measures, to ensure the health and safety at work of the employees and for the employer to consult with officials in checking the effectiveness of such measures.

PART 3 – GUIDANCE SECTION

FREQUENTLY ASKED QUESTIONS

PAID TIME OFF FOR TRADE UNION DUTIES

Q: What pay will a Trade Union Representative receive when undertaking Trade Union duties?

A: Trade Union Representatives will receive their hourly rate of pay for the period of time taken off. Payments will not be made for attendance on days when they would not normally be at work. Payment will be made for travelling time when this falls within normal working hours.

In keeping with the Part Time Worker's Regulations part time employees will be paid their normal hourly rate of pay for actual hours' attendance even if this exceeds their normal working hours if their presence is required and approved.

There is no statutory requirement to pay for time off where training is undertaken at a time when the Official would not otherwise have been at work.

Please note; pay only applies to Trade Union **duties** not **activities**.

REQUESTING TIME OFF FOR TRADE UNION DUTIES

Q: How do I request time off for Trade Union Duties?

A: Requests for time off must be submitted at the earliest possible date using the Trade Union Leave Request Form (Appendix 1). Request forms must be sent to the Head of Department for authorisation and the Official must be on the recognised Trade Unions approved list.

Station Managers and non uniformed Line Managers have no authority to approve time off for Trade Union Officials and will submit the request form to the Head of Department for approval once it has been noted on their behalf.

It is essential that all time off for activities, duties or training whilst acting in the capacity as a Trade Union Official during working hours is recorded. This allows the Service to accurately monitor how much leave is being used for Trade Union purposes, and what type of leave is being requested. This will inform the Authority when considering the proportionate basis for secondments for each recognised Trade Union.

The Head of People and Development will provide a report of all TU requests (approved and declined) on a quarterly basis, for monitoring at JCNP.

TRADE UNION LEARNING REPRESENTATIVES

Q: What training conditions have to be met in respect of the Union Learning Representatives?

A: ULRs are subject to particular statutory provisions in respect to training. They are required to have been trained to carry out their roles or show that they will receive appropriate training within six months of appointment. Alternatively, they are required

to show they have previous relevant expertise and experience to operate in this role. Prior experience may have been gained from extensive on-the-job training or shadowing an experienced ULR, or come from previous experience in teaching, training, counselling or human resource development. These are qualifying conditions. The Union must inform the Service in writing that the representative is competent to undertake the role.

FACILITIES

Q: What is defined as reasonable use of facilities?

A: TU Representatives have access to Service facilities in order to help them undertake their official duties. The facilities must only be used for the purpose intended i.e. to arrange meetings, to contact employees who they may be representing, to store confidential information. Further guidance on what is deemed reasonable is detailed as follows:

Emails

- When using the Service email system, ensure that there is a clear heading in the subject heading. Do not send to 'all email users', send to relevant union members.
- Do not use the system to further or incite a dispute with either the Service or nationally.
- Authorisation must be agreed with the Head of People and Development prior to distributing information on national negotiations or to call members to meetings.
- The system will not be used for party political purposes.
- The ICT Acceptable Use Policy must be followed at all times.

Notice boards

- Trade Unions will be provided with the use of dedicated notice boards in each establishment and may display material within sensible boundaries of taste and decency.
- No publicity relating to the Union may be displayed elsewhere without the agreement of the Head of People and Development.
- Managers have the right to remove material from the notice board which they believe to not comply with the parameters set.
- Failure to follow this guidance will result in the removal of this facility.
- Notice boards must be kept tidy and up to date; any old items must be removed and archived.

Telephones

- Reasonable calls may be made internally and externally.

Photocopying

- Representatives may use the Services photocopiers to copy documents that are relevant and specific to the role they undertake. An annual quota will be provided and monitored.
- External photocopies/printing should only be made with the authorisation of the Head of Planning, Performance and Communications and will be subject to a charge.

Storage

- Trade Union Representatives will be provided with a lockable drawer for correspondence and information at their normal place of work.

Meeting rooms

- Meeting rooms may be booked for lawful business when consulting and negotiating on matters which directly affect employees of the Service. The usual arrangements are used to book rooms, which are free of charge and subject to availability. All meetings on Fire Authority premises must have their approval of the functional Head of Department.
- During periods of Industrial dispute permission must be granted by the Head of People Services or the Duty Area Manager.

Trade Union Leave Request Form

Appendix 1

This form must be completed in full for any leave for activities, duties or training whilst acting in the capacity as a TU Official during working hours. In the case of the FBU, it is expected that the full time Rep will attend all TU activities and duties unless in extenuating circumstances which must then be detailed below. A minimum of two weeks' notice must be given for any TU Leave requests.

To (HOD):			
Station/Location:	From: Watch (if appropriate):		
Date Applied:	TU position:		
Reason for leave:			
FBU Only – State the reason if the full time rep is unable to attend these activities/duties:			
Date(s) requesting TU leave:	Total No. of hours/days requested: Hours: Days:	Total No. of hours/days previously approved in calendar year: Hours: Days:	Location of activity/duty or training:
Type of Leave Requested: TU Duty (paid) / Activity (unpaid) / Training* (If for training purposes, evidence of the training course dates and purpose of the training must be attached.)			
Watch Total:	Service Total:	PAS or Cover Required (Yes / No)*	

Approved / Not Approved* Signed: **(Head of P&D), Print Name:** **Date:**

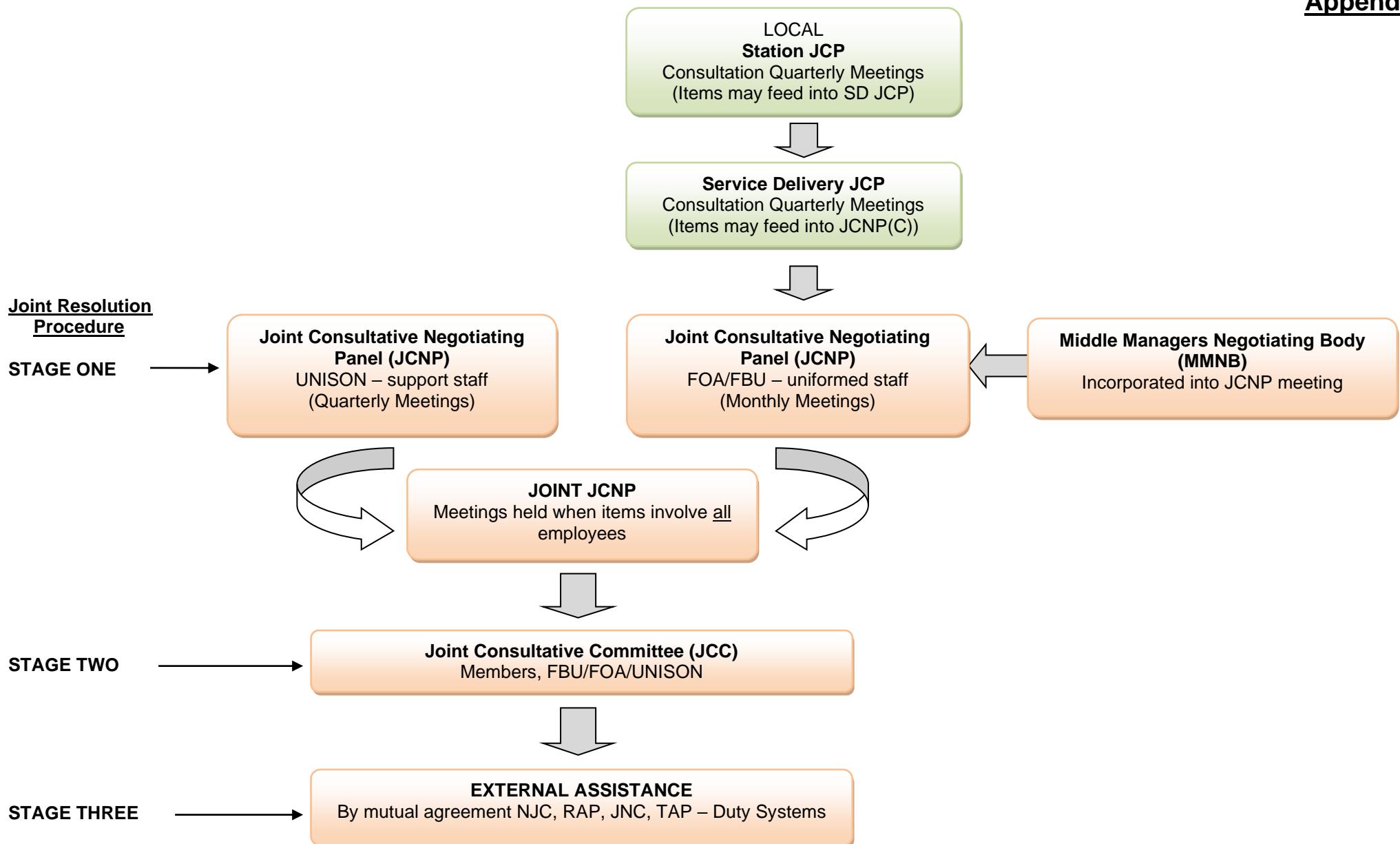
Admin Only:

Noted by WM:	Noted by SM/Line Manager:
HR notified: Yes / No*	Payroll notified if unpaid leave approved: Yes / No*
Date information forwarded for recording on staffing system:	

*Delete as appropriate

PROCESS FLOWCHART

Appendix 2



Guiding principles

Here are the guiding principles during any industrial action:

- The Service will aim to ensure that its prevention and protection work continues as usual while recognising that its emergency response will be below normal levels.
- The Service respects the rights of all individual members of the organisation, including those who choose to participate in legal industrial action.
- During periods of industrial action the Service will use Service appliances and equipment at fire stations for emergency cover purposes. The use of banners and other material on stations to promote the industrial action will not be accepted and will be removed.

When staff are on strike (excluding occasions of recall to duty) they will not normally be allowed access to stations. Any requests to access Cheshire Fire Authority property during strike action periods should be directed to the Duty Area Manager.

- If individual staff want to work but are prevented from doing their normal duties because of the strike, then they will be asked to carry out any work which is within their capability and which they are trained and competent to undertake.
- Operational personnel who choose to work during periods of industrial action will be used primarily to crew appliances at designated locations.
- Every effort will be made to ensure that personnel who continue to work during industrial action are able to do so in such a way that minimises stress and anxiety which might arise from having to cross picket lines, or work at a location where industrial action is being taken.
- There will be no intimidation by any parties involved in the industrial action - strikers and non-strikers. Representative bodies and Management alike have a responsibility to eliminate harassment and bullying both in and outside the workplace. Disciplinary action may be taken against employees who fail to observe appropriate standards of behaviour.
- The Service has a positive approach to achieving and maintaining sound industrial relations and it is therefore envisaged that following any period of industrial action, all staff will return to their established positions.
- Staff are permitted to participate in protest/campaign activities providing it is related to CFRS recognised union business and within the Cheshire region. Annual leave should be requested for participation in support of another union branch or similar event outside of Cheshire

JCNP AGENDA ITEM REQUEST PROFORMA

Matter for Discussion	Information	Consultation	Negotiation	Policy/Other (please specify)
Issue				
Department				
Summary of Issue				
Reason for Escalation to JCNP				
Action/Policy followed and Discussions undertaken to date to resolve issue				
Supporting Evidence and Information				
Submitted by				
Date				