



Classification	Official		
Meeting	Service Leadership Team	Agenda no.	6b
	Performance and Resources		9
Meeting Date	18 April 2023		
	27 April 2023		
Report Authors	Hannah Phipps, Head of Employment Policy & Practice		
Presented By	Colette Black, Director of People Services		
Subject	Working Well Together Quarter 4 2022-23 Update		
Type of Report	Information		
PFCC Action Point No.		For Publication	Yes

RECOMMENDATION(S)

None, this report is for information only.

EXECUTIVE SUMMARY

A quarterly report is produced for the Service Leadership Team (SLT) to provide a snapshot of the engagement and consultation with the recognised trade union representatives since the launch of this way of working. This report covers Quarter 4 2022-2023.

This report provides an update on the headline topics from the policy schedule, any failures to agree, ops committee meetings and other associated activity where there has been the biggest change since the previous report.

Overall during Q4 2022-2023 a total of 20 policies were agreed, 2 initially failed to agree but then subsequently reached agreement. In addition, there were 23 Operational Policies and National Operational Guidance agreed during 2022-2023.

BACKGROUND

Our current approach was created as the output of workshops that we held with each of the representative bodies. It is intended to complement our formal mechanism – the Joint Negotiation and Consultation Committee (JNCC). The schedule of consultation involves seeking acceptable solutions to problems through a genuine exchange of views and information.

OPTIONS AND ANALYSIS

1. Policies & Guidance Published and implementation activity during Q4 2022-2023:

Consulted upon in Phase 14 and launched during Q4 2022-2023 [Off-Payroll Working IR35](#) was required for IR35 compliance (17 October 2022 the Chancellor announced that the proposal to reverse the off-payroll working reforms, introduced in 2017 for the public sector, will not be going ahead). This work ensures the Service has an off payroll working policy. Our Service may occasionally need to use temporary or off-payroll workers/contractors. Our new Off-Payroll Working Policy makes sure our Service is compliant with legislation, which seeks to ensure that anyone working through their own company pays employment taxes.

Consulted upon during Phase 14, the [Special Leave Policy](#) was a pre-existing policy reviewed to update terminology and to include reference to the following: parental bereavement leave, jury service (loss of earning process) and clearer guidance on sporting leave.

The [Market Supplement Policy](#) was relaunched during Q4 2022-2023 to include further guidance on the monitoring and review of market supplements.

Policies agreed and to be published on the intranet:

[Dignity and Inclusion at Work Policy](#) now includes reference to the Service values and the Core Code of Ethics. The revised policy focuses on what dignity in the workplace looks and feels like. It has also been update to reflect the introduction of Dignity and Inclusion Advocates. This policy has been agreed and published and the launch activity is now underway.

The **Modern Slavery Policy** is a new policy and was created in accordance with Modern Slavery Act 2015. This policy was consulted upon during Phase 13 but PDR Pro training has been developed ahead of the launch. This policy sets out the steps taken by the Service to prevent modern slavery and human trafficking in its business and supply chains.

The **Quality Assurance (Protection) Policy** sets out and explains the procedures used in Fire Protection in relation to Quality Assurance of both its auditing activities and recording of audits. Awaiting People Impact Assessment sign off from the ED&I team after which it will be published.

2. In consultation: Phase 15 (6 March 23 – 28 April 23):

The current phase has the following in consultation with the recognised trade union bodies:

The **Annual Leave** was last reviewed in Phase 1 and was due for a period review. Given the complexities of this policy we are running consultation across two phases, something we agreed to do when we identify during the planning phase that a policy will require significant consultation. The proposed changes include:

- Broadening the scope to include Time Off in Lieu.
- Pro-rata carryover.
- Flexi duty officer – specialisms and minimum cover requirements.

- Advance planning of leave.
- Inclusion of interim Control leave agreement within policy.

Abatement Policy - The rules of the FPS 1992 and FPS 2006 explain that abatement applies where a member begins to draw their pension and remains employed or is re-employed/re-engaged either by a FRS or, in the case of interservice abatement, by another public sector body. The current policy explains this and the circumstances in which the Service will disapply abatement. However, the policy and the regulations do not go into much detail beyond this. A long-awaited guidance document on Abatement was released by the Local Government Association on 31 May 2022 (and amended in August 2022). This is the proposed policy for Essex PFCC FRA, which takes into account of this guidance, in particular on matters such as;

- What counts as employment that may trigger abatement;
- What pay figures are used to compare pay in the 'old' job and the 'new' job;
- How and when inflation increases are to be applied;
- How abatement applies if a person has or had more than one role.

DBS Checks – Implementation of a minimum of Basic DBS checks to be undertaken by all Fire and Rescue Authority employees and those who represent our service (including volunteers), using a phased approach with public facing colleagues being first. Changes to the Rehabilitation of Offender's Act 1974 (Exceptions) is due later this year.

Operational Assurance Station Audits – re-formatted, terminology and references updated. An appeals process added.

3. Outstanding Items from Previous Phases

A new **Domestic Abuse Guidance** document and toolkit has being developed to include a referral mechanism and awareness of support. This will align directly to safeguarding procedures. Although this has been agreed with the recognised trade union bodies this will be submitted to the Safeguarding Board for final sign off before it is published and launched.

Core Skills Assurance Program (CSAP) Policy – a policy setting out the requirements to ensure the standards of Core Skill are at the level required by the Service. Although the consultation had been progressing well, this policy has been delayed due to Service lead being unwell. Alternative cover has been arranged to ensure the consultation can be concluded.

4. Failure to Agree Update

Transfer Policy – an extraordinary JNCC meeting was held on 6 January, the purpose of the meeting was to discuss the areas of the policy where agreement had not been reached through consultation. The aim of the meeting was to identify a way forward to reach an agreed policy. The proposed ways forward were:

- to include Station Managers and Group Managers within scope of the policy but amend the T1 process.
- To amended the wording of the policy to provide a clear route for those wishing to change roles within the same grading or level of responsibilities where the remit of the policy does not apply.

- Where time served on the transfer list is not the determining factor, the decision will need to be transparent, appropriate and documented in the minutes of the Resource or TAP board that made the decision.

This has now been agreed.

There had been three key areas within the **Expenses Policy** where agreement hadn't been reached during consultation however through further discussion two of the three areas have been resolved. There is now just one remaining point which is not agreed – subsistence. The policy remains the same in that – where employees are required to work away from their base location they will be permitted to claim for meals during this period. As with the existing policy, where an employee is required to purchase their own food and incurs the cost of a meal, they will be entitled to claim up to a set amount for breakfast, lunch and evening meal. As with the existing policy, the Service will not reimburse for food prepared at home and alcoholic drinks. It seems that a difference in practice has arisen over the years in that some colleagues provide receipts and are reimbursed to the value of their receipts (up to a maximum of the set amount) whereas others have treated it more like an allowance and have claimed the 'set amount' but without receipts. The HMRC are clear that any non-receipted 'allowance' is a taxable benefit and so a tax risk has been created for employees that do not provide receipts. It is therefore necessary to be more explicit about the nature of subsistence and how it is reimbursed.

5. Ops Policy Committee (OPC):

An Ops Policy Committee Meeting was held on the 13 February 2023 operational policies consulted upon during Q4 2022-2023 were:

- External Firespread

National Operational Guidance:

- Transport (National Operational Guidance)
- Physical Hazards HAZMAT (National Operational Guidance)

Operational Policies to be consulted upon in Phase 15:

- Pipeline Plan
- Tidal Surge Plan
- Hazardous materials

RISKS AND MITIGATIONS

We have a shared vision and are clear about our Service aspirations, representative body priorities nationally and locally, delivery of priorities within the Fire and Rescue Plan (which are reflected in the annual plan), staff survey and HMICFRS feedback. We have a shared understanding of different perspectives, agreement on amendments to plans if needed and/or appropriate.

LINKS TO FIRE AND RESCUE PLAN

As set out in the Fire and Rescue Plan

- Promoting a positive culture in the workplace
- Be transparent, open, and accessible
- Make best use of our resources

As well as the following Service Values

- Value the contribution of all
- Always professional
- Work as one team

FINANCIAL IMPLICATIONS

No financial implications associated with this paper.

LEGAL IMPLICATIONS

No legal implications associated with this paper.

STAFFING IMPLICATIONS

No staffing implications associated with this paper.

EQUALITY AND DIVERSITY IMPLICATIONS

The actions being taken will not have a disproportionate impact on individuals with protected characteristics (as defined within the Equality Act 2010), when compared to all other individuals and will not disadvantage people with protected characteristics.

Race	Y/N	Religion or belief	Y/N
Sex	Y/N	Gender reassignment	Y/N
Age	Y/N	Pregnancy & maternity	Y/N
Disability	Y/N	Marriage and Civil Partnership	Y/N
Sexual orientation	Y/N		

This Working Well Together update does not have any direct impact on protected groups as defined within the Equality Act. However, each individual policy has a full People Impact Assessment which demonstrates consideration of all impacts arising from the policy.

The Core Code of Ethics Fire Standard has been fully considered and incorporated into the proposals outlined in this paper.

HEALTH AND SAFETY IMPLICATIONS

No health and safety implications associated with this paper.

CONSULTATION AND ENGAGEMENT

This piece of work is helping to strengthen the working relationships between the Service and Trade Unions. We are committed to working in the spirit of the 2007 NJC Joint Protocol for good industrial relations and the structure agreed is in line with those principles.

FUTURE PLANS

We are committed to continuing to work together to develop and deliver policies that support our strategy.

Planned steps for continued improvement:

There is a commitment to ensure the consultation phases are manageable for all parties and pre-planning going forward will include an assessment of the size of consultation with in depth consultation requirements being scheduled across two phases where it is anticipated that more time is required.

LIST OF BACKGROUND PAPERS AND APPENDICES

N/A.