

Fire and Rescue Service
Headquarters, Pirehill
DDI (01785) 898670
Please ask for Kay Ross

HUMAN RESOURCES POLICY COMMITTEE

Monday, 9 November 2009
2.15 pm
Fire and Rescue Service Headquarters,
Pirehill

(A Chairman/Vice-Chairman's Preview, for Mr. D. Tolley and Miss. A.E. James only, has been arranged for 1.45 pm)

Howard Norris
Secretary to the Authority
29 October 2009

A G E N D A

PART ONE

1. Apologies
2. Declarations of Interest
3. **Minutes of the meeting held on 7 September 2009**
4. **Notes of the Equality and Diversity Panel held on 12 October 2009**
5. **Discipline and Grievance Procedure Monitoring Report**
Report of the Director of Organisational Learning and Development
6. **Attendance Trends**
Report of the Acting Head of Human Resources
7. **Staff Welfare Update**
Presentation by Pat Chapman, Acting Head of Human Resources
8. **Training and Development Activities**
Presentation by Ian Jones, Workforce Development Manager

9. **Follow up report - Government Equalities Office Consultations responses**
(a) Specific Duties
(b) Age Discrimination

Report of the Acting Head of Human Resources

10. **Anticipated future items for consideration by the Committee**

For discussion

- Review/development of the following policies and others:-
Job Share
Career Break.
- Transition from Retained to Wholetime firefighters – HR Committee February 2010
- Review of the Staff Consultation and Negotiating Forum Terms of Reference.
- Further Training reports, as and when required.
- Fire Control update
- Disciplinary Appeal process
- TUPE transfer of Regional Control Staff

11. **Training for Members**

Members to discuss training requirements

12. **Date of Next Meeting**

Friday 19 February 2010 at 10.30 am

**MINUTES OF THE HUMAN RESOURCES POLICY COMMITTEE
HELD ON 7 SEPTEMBER 2009**

Present: Mr D. Tolley, Chairman

Billson, D.	Morrison, G.
Day, W.	Oates, M.
James, Miss A.E.	Povey, S.
Jones, P.	Wells, J.

Also in Attendance: Mrs C Walker, Director of Organisational Learning and Development, Ms D. Dunlevey, Equality and Diversity Manager.

PART ONE

Documents referred to in these minutes as schedules are not appended but will be attached to the signed copy of the minutes. Copies, or specific information in them, may be available on request.

Membership of Committee

1. The Membership of the Committee was outlined for Members information.
2. **RESOLVED** – That the Membership of the Committee be noted.

Minutes

3. **RESOLVED** – That the minutes of the meeting held on 20 February 2009 be confirmed and signed by the Chairman. (Mr Morrison and Mrs C. Walker verified that the minutes were a true record)

Notes of the Staff Consultation and Negotiation Forum held on 13 July 2009
(Schedule 1)

4. **RESOLVED** – That the notes of the meeting of the Staff Consultation and Negotiation Forum held on 13 July 2009 be received.

Notes of the Equality and Diversity Panel held on 17 July 2009
(Schedule 2)

5. **RESOLVED** – That the notes of the meeting of the Equality and Diversity Panel held on 17 July 2009 be received.

Terms of Reference of the Committee
(Schedule 3)

6. The Terms of Reference of the Committee were sent out with the Agenda for the Meeting. Members were advised that these would be looked at by the Working Group which had been set up to look the Terms of Reference and the Structure of all Committees of the Authority.
7. **RESOLVED** – That the Terms of Reference of the Committee be noted

Discipline and Grievance Procedure Monitoring Report (Schedule 4)

8. The report advised Members of discipline and grievance cases and provided information on the usage and effectiveness of the disciplinary and grievance procedures. The information was reported by quarter for 2009 up to August.

As part of the continuing process, the report updated and summarised the period January – August 2009. Advice, guidance and support continued to be provided to support line managers. Statistical data for this period was attached for members' information.

- a) During the first quarter, there were 21 new discipline cases, 18 of which were informal and as a result of attendance issues. One further informal case was reported which also included concerns regarding attire. Two formal cases occurred in this period, resulting in an outcome of one first written and one final written warning, both cases for Conduct. Of the 21 cases reported, only two related to support personnel with the remaining 19 concerning operational staff.
- b) For the period April – June, 15 discipline cases were reported, 12 were informal/absence related, one further informal case was behaviour and conduct related. Two formal cases were reported, resulting in one first and one final written warning, both for conduct issues. Of the 15 cases, one involved support personnel, one involved technical staff and the remaining 13 were operational staff.
- c) Throughout July and August, 13 discipline cases had so far been reported, 12 informal, 11 of which related to absence and one for conduct. One final written warning was issued for conduct. Only one case concerned support staff.

There were no cases of gross misconduct reported throughout the whole period January – August 2009.

Attached at Appendix 1 to the report was a summary of the discipline cases. The duration of the notes/warnings placed on the employees file were shown in the appendix. Mrs Walker advised Members on the abbreviations mentioned in the appendices:- FF – firefighter, RFF – retained firefighter, CM – crew manager, and WM – watch manager. Other abbreviations not mentioned in the report were:- SM – station manager. GM – group manager, AM – area manager, BM – brigade manager

There had been six new grievance cases for the period between January and August 2009. These were outlined in Appendix 2 to the report together with the results of two previous grievance cases.

Mrs Walker advised Members that there was a downward trend to discipline and grievance cases which was pleasing.

A Member raised concern at the number of firefighters who had taken time off sick and who had received a note for file regarding sickness issues. He was advised that this was part of the absence management policy to follow up staff who had been off sick on a number of occasions. They were advised that the Service had reduced absence by some of the initiatives that had been undertaken under the absence management policy. Members requested information on the sickness absences for this year compared to last year. Members were advised that staff were contacted on their first day of sickness to ensure that they were

getting the necessary help and medication. Contact was maintained by the line manager whilst the person is off sick.

Members discussed the involvement of Members in disciplinary cases and were informed that Members were not longer involved in the process and issues were dealt with by line managers. This had changed some years ago.

9. **RESOLVED** – (a) That the discipline and grievance monitoring report be noted.

(b) That a report on the absence management policy, the initiatives introduced and the details of the reducing sickness trends be put to the next meeting of the Committee.

Human Resources Policies Under Review (Schedule 5)

10. Members were advised that on 6 April 2009 the current statutory dispute resolution procedures were abolished and replaced with a new ACAS code of practice. As a consequence of these changes it had been necessary to review the Service policies relating to Discipline and Grievance. In undertaking this review it was considered appropriate to extend the scope, to include the people management related policies of Harassment and Bullying and Performance and Capability; thereby ensuring a consistent approach to people management. These policies were appended to the report.

A 'management guidance note' was also issued to managers in relation to these policies.

The compassionate / bereavement leave policy was also out for consultation and that was also appended to the report. Members were advised the no directives had been issued with regard to the bereavement policy but it was just due for review. In response to a question Members asked why a Member of staff would take sick leave after 14 days and was advised that it was the intention to be as flexible as possible with the bereaved person and the first 14 days would be compassionate.

At their meeting in June 2009, the Service Management Board (SMB) accepted the proposed changes subject to full consultation. Once consultation was complete, feedback would be considered and where appropriate the policies amended.

In redrafting the policies consultation and engagement was confined to the Human Resources Management Team and Legal Advisors. However, following SMB approval the policies were going through the Service's standard consultation process which included circulating the document to occupational health, health and safety etc and Members were invited to pass comment on the documents. The unions had also been consulted about these documents. Members could feed any comments they might have to the Director of Organisational Learning and Development.

11. **RESOLVED** – That the proposed changes to the Human Resources policies, currently out for consultation, be noted.

Equality and Diversity Overview (Schedule 6)

12. Ms D Dunlevey, Equality and Diversity Manager gave a very full and detailed presentation to Members which outlined the public duty of the Authority; the history of the public duty; Staffordshire Fire and Rescue Service strategic approach; the involvement with service users;

assisting the risk reduction teams; community engagement activities at Area Command; and the employment profile of the Service.

In response to a question Members were advised that currently 3% of firefighters in SFRS had a disability compared to 18% of the population as a whole. Prior to 2006 firefighters were not allowed to have any disability for an operational role.

The employment profile for Staffordshire was 5.3% for operational women and 3.1% for BME Staff. In 1999 the Government set a target of 15% for women operational staff. Currently Staffordshire was the second highest performing in the country regard to the percentage of operational women. Gloucestershire was the highest performing. There were support groups for ethnic, female and gay and lesbian personnel. Members were advised that the Service had set stretch targets of 6.6% across all staff for BME and 18% for women across all staff. A Member enquired as to why the target for BME was higher than the current ratio of 4.6% for the Authority's area and was advised that it was set higher as it would then keep pace with the growth of ethnic minorities. This was understood but a Member thought that setting the target so high did not reflect the demographics of the Authority Area. Members were advised that the amount was prescribed by the Government. Members were advised that positive action for the recruitment of BME and women was legal, but that positive discrimination was not legal.

In response to a question Members were advised that there were firefighters who had been recruited with specific language skills of Urdu, and Pakistani in Burton and Stoke. A Polish speaking firefighter was also employed by the Service. If other languages were needed then the Service buy in the services. Members were advised that recruits would have to have knowledge of English to pass the paper based test and would have to have the capacity to give and take instructions on the fireground.

On 7 October 2008 Staffordshire Fire and Rescue Service attained Level 3 of the Equality Standard for Local Government; the external Audit was carried out by Edge Hill University. As a result of this an Improvement Plan had been produced. A new equality framework had been devised and this placed the Authority at level 2 in a 3 point scale. The new framework had been devised for fire and rescue services.

Members thanked Ms Dunlevey for her presentation.

13. **RESOLVED** – That the Equality and Diversity overview presentation be noted

Human Resources Overview (Schedule 7)

14. Mrs Walker, Director of Organisational Learning and Development, gave an overview of the Human Resources function within the Service. There were currently 460 whole time firefighters, 440 retained firefighters, 31 control staff and 163 support staff. With effect from 2011 control staff would move to the Regional Control Centre. Human Resources deal with recruitment, selection, terms and conditions, sickness, disciplinary and grievances.

Training and Development fell under the remit of the Human Resources directorate. They were responsible for the training of recruited firefighters. Members were advised that a recruits course had just commenced. Training was also provided in breathing apparatus, rope rescue etc. Our trainers also trained at the fire service college in Moreton in Marsh. They also carried out managerial training. Respecting Diversity training was also provided by consultants who had been sourced by the training department.

Occupational Health dealt with the health and welfare of staff. A new welfare strategy was being developed over the next five years.

Pensions also fell under the Human Resources Directorate - the operational part of the firefighters pension scheme had been outsourced and local government pensions scheme was dealt with in house.

The directorate had the responsibility for ensuring that the workforce met the high ambitions of the Service.

15. **RESOLVED** – That the Human Resources overview presentation be noted.

Government Equalities Office- Consultations (Schedule 8 and 9)

16. The Government Equalities Office had issues two consultation documents regarding the “Equalities Bill: Making it Work” entitled “Policy proposals for specific duties” and “Ending age discrimination in services and public functions”.

These documents would have normally been considered by the Equality and Diversity Panel but had missed the date of that meeting. The document had a June issues date but was not circulated until much later.

The Equality and Diversity Manager would formulate a response to each of the consultation documents and clear that response with the Chairman of the Panel, Mr Tolley, before it was sent off.

The Equality Bill would encapsulate all equalities legislation under one Bill.

Members held a discussion on both consultation documents.

The age discrimination document was mainly aimed at the health sector and social care sector eg access to cancer treatments etc. In response to a question Members were informed that the Service had lost the ability to make people retire at 65 years of age. With regard to Service delivery the elderly were one of the biggest risk factors and a key focus of the services offered.

Members were asked to forward their comments to Diane Dunlevey, the Equality and Diversity Manager.

17. **RESOLVED** – (a) That the consultation documents be noted.

(b) That a response to the consultation documents be sent by 30 September 2009.

Anticipated Future Items for Consideration by the Committee

18. **For the next meeting:**

Training Session for Members

Training and Development Update

LDF – modernising stations – community involvement – junior firefighters – checks and training undertaken by those involved.

Absence Management policy and sickness trends over the last two years.

Follow up report on the Equalities Bill responses

For Future Meetings (carried forward from previous meetings)

Review/development of the following policies and others:-

Job Share

Career Break.

Reemployment of Employees – Feb 2009

Transition from Retained to Wholetime firefighters

Review of the Staff Consultation and Negotiating Forum Terms of Reference.

Further Training reports.

Staff Welfare update.

Fire Control update

Disciplinary Appeal process

TUPE transfer of Regional Control Staff

Date of the Next Meeting

19. The next meeting of the Committee would be held on Monday 9 November 2009 at 2.15 pm.

CHAIRMAN

**NOTES OF THE EQUALITY AND DIVERSITY PANEL
HELD ON 12 OCTOBER 2009**

Present: P Jones (Chairman)

Lawson, I.
Oates, M.
Reade, R.

Rigby, R.
Wells, J.

Knight, S. – Unison Representative
Kabal, A. – East Staffs Racial Equality Council
Stemp, H - Critical Friend

Also in attendance: Mr H Norris, Secretary, Mr C Enness, Director of Performance and Planning, Mrs P Chapman, Acting Head of Human Resources, and Ms D Dunlevey, Equality and Diversity Manager.

Apologies: Walker, Mrs C, and Harrison H.,

Documents referred to in these notes as schedules are not appended but will be attached to the signed copy of the notes. Copies, or specific information in them, may be available on request.

Notes of the last meeting

17. Members were advised that the Single Equality Scheme Action Plan had yet to be considered by the Service Management Board. Once this had been approved it would be incorporated into the Scheme. With regard to page 27 of the Draft Scheme relating to the number of applicants, this had been removed as the Scheme was thought to be too long and the information did not add anything.

Members were informed that guidance from Communities for Local Government on stretch targets was still awaited. Recruitment for operational women was in excess of 5% and across all roles the Service had 3% Black Ethnic Minority (BME). The targets were 6.6% BME across the Service and 18% of firefighter trainees being women. These figures would rise slowly as persons who were recruited to the Service tended to join and stay. This Authority was well ahead of the national average and out of 44 Services was either 2nd or 3rd. The average for a Service was 2% operational women.

The Authority at its meeting on 16 October 2009 was to consider the recommendation of the Panel to include the term “Advisory” to the name of the Panel as it did not make any decisions.

18. **RESOLVED** – That the Notes of the meeting held on 17 July 2009 be confirmed and signed by the Chairman.

Pre Conference Seminar – London 22 September 2009

19. A pre conference seminar held in London on 22 September 2009, in relation to the Equality and Recruitment in the Fire Service, was attended by Mr P Jones and Mrs C Walker. Ms Dunlevey was a speaker at the meeting and spoke on “Best Practice Case Study: Staffordshire’s Equality Impact Assessment (EIA) Scheme. Ms Dunlevey gave a presentation to approximately 30 people from across the Service. She outlined the re employment policy which the Service had recently abandoned following EIA assessment. Her presentation gave other authorities food for thought. Amongst the speakers were CFO Des Pritchard from Hampshire and CFO Bonnie from East Sussex. There was also a high profile FBU presence at the seminar. Mr Jones commented that attendance at the seminar was very interesting from a fire service point of view.

20. **RESOLVED** – That the attendance at the pre conference seminar be noted.

Regional Capacity Building Project (Schedule 1)

21. As submitted at the previous meeting of the Equality and Diversity Panel held on 17 July 2009 the five Fire and Rescue Services of the West Midlands region successfully secured funding from the Government Office for the West Midlands, (GOWM), Capacity Building Fund in the 2008/09 funding round. The report outlined the progress with the Project to date with the current element of Audit Training. The schedule for the Project would be reported on in due course. This was an externally funded Project with a budget of £140,000.

All five Services in the Region had been highly involved with the building of the Project and working to the objectives of the Project. Equality and Diversity was high on the agenda for Fire Services in the West Midlands where a shared strategy had been developed, and the Improving Opportunities project was the first stage of consolidating equality and diversity related activity across all five Services. This work involved the analysis of policy and practice in order to ensure a consistency across the Region.

This second stage of the Project was to bring all five Services up to Level 4 of the existing Equality Standard for Local Government. To date all Five Services had been externally assessed at Level three, as is required, of the Standard.

The new Equality Framework for Local Government is bespoke to Fire and Rescue Services and the Services of the West Midlands Region had accepted this Framework as a tool for compliance and good practice for assessing progress on Equality and Diversity. It was also noted that the bespoke Framework linked directly to the National Equality and Diversity Strategy.

The Project has realigned the audit training to take account of the revision and were commencing training to staff from all five Services to be able to audit against the new Framework.

As scheduled into the Project the ‘Train the Trainer’ element took place on 6 and 7 October. This element of the Project would build capacity into all five Services as there would be in-house trainers to train auditors for the future in order that the skill to audit for equality and diversity and an understating of the Equality Framework is sustainable.

Mr Kevin McAdder would be assisting the regions in auditing against one of the strands. Counterparts across the region would carry out the audits with the help of the trained auditor. This Service may audit the West Midlands Fire and Rescue Service. The information would be disseminated at the national conference in spring 2010. Five Members of staff had been trained and these would in turn train other staff. It would not necessarily need to be an Equality and Diversity member of staff who undertook to audit the strands.

The five regions were looking to achieve the new framework's "excellent" standard.

As a Region the Services had decided to adopt the new standard which was bespoke to the fire and rescue service. The pilot would start in December 2009. The action plan made reference to the regions getting to excellent level. The "standard" had five levels and the Service was at level 3 and the new "frame work" was 3 levels and the Service were currently about two and a half. Members were informed that the funding was just specific to this region.

The North East and the South East Region were not adopting the fire framework and were sticking with the local government standard.

22. **RESOLVED** – That the report be noted.

Final Draft Single Equality Scheme 2009-2012 – Following Consultation (Schedule 2)

23. The report informed Members about the final draft Service Single Equality Scheme (SES) 2009-2012 and its associated action plan, which would replace the existing race, disability and gender schemes. A copy of the final draft SES was appended to the report.

Equality, human rights and good relations between people affects us all, regardless of our backgrounds, and the Service were committed to working closely with all those who were interested in, or affected by, our work. This would be a continuing process enabling individuals, communities and organisations to influence and shape the work of the Service.

In developing the three-year Single Equality Scheme, the Service had proactively engaged with employees and communities by putting into practice an extensive involvement and consultation plan.

As a public body, the Service is subject to legal requirements to promote disability, gender and race equality. The Service had extended the equality strands to include age, gender reassignment, sexual orientation and Religion/belief as we also have to comply with legal duties to tackle discrimination and harassment and to promote equality and good relations in everything we do.

The SES describes how the organisation would fulfill its moral, social and legal obligations to put equality at the heart of everything it does. The SES puts into place practical steps to:

- Promote equality and human rights in the workplace;
- Develop leading employment practices;
- Build equality into how services are bought or provided; and
- Ensure that engagement with all stakeholders is done in a way where equality is seen as a given.

Delivery of the action plan that would accompany the SES would have financial implications and these would be incorporated into the 2009-10 Equality and Diversity budget.

The action plan would be embedded into the Integrated Risk Management Plan and any other plans. The published document would be illustrated. Members were advised that a limited number of copies would be published as the Service was being cost aware and green aware. The document would be published on the Service web site.

Members discussed the recruitment of firefighters with specific language skills in order that they could engage with the communities. This had opened doors for the Service in getting access to communities. Of the appointments the majority had English as their first language. The Service did buy in services for sensitive interpretation work.

Members discussed the reference to Human Rights on page 17 of the document and Members were advised that the wording "everyone should be treated equally and with dignity" should be re looked at and replaced with the appropriate wording reflected in the Human Rights Act. It was recognised that people were different and had different needs. Mr Norris advised that even if the legislation did not mention the Human Rights Act the document should mention that we had given cognisance to it. The overarching statement contained within the preamble to the Human Rights Act needs to go into the document.

A Member commented that on page two of the document where it mentioned "Cantonese" this should be Chinese.

24. **RESOLVED** – (a) That the report be noted.

(b) That a further report be put to the next meeting.

Equality Focus Group

25. Mr Enness, Director of Performance and Planning, outlined the work of the Equality Focus Group. The Forum was made up of Officers. It had met recently and over 20 people turned up. At the Forum Officers agreed the following bullet points as to what the next steps were to be:-

- Improve information and communication on Equality and Diversity
- Challenge inappropriate behaviour
- Dealing with issues
- Regular training, education and information
- Processes
- Influencing the national agenda
- Acceptance and ownership
- Infrastructure to enable delivery
- Equality and Diversity re-branding, re-launch and refresh

The bullet points were "joined" into groups and assigned to task and finish groups to research and come back with ideas on how a strategy could be pulled together.

The following four task and finish groups were agreed:-

- 1) Led by Helen Harrison – this group will cover education, information and training. The group would look at improving information and communication on Equality and Diversity, challenging inappropriate behaviour, dealing with issues, regular training, education and information and acceptance of ownership.
- 2) Led by Ian Housley – this group will look at processes and infrastructure to enable delivery.
- 3) Led by Chris Enness – this group will look at influencing the national agenda.
- 4) Led by Jo Hammersley – this group will look at Equality and Diversity re-branding, re-launching and refreshing.

Mr Enness was to meet the group leads shortly to pull together a strategy and then meet with the Equality and Diversity Manager. The strategy would compliment the national and regional strategy already published.

In response to a question Members were advised that education and training was quite important.

Members discussed the re-branding of Equality and Diversity. The term “Equality and Diversity” had been abused in the past. Some things that had been done Nationally had not been well thought out and people had associated this with Equality and Diversity. It would still be called Equality and Diversity but Officers would be looking at how personal it could be made for them, the re-branding of thoughts rather than the title. Mr Kabal welcomed the mainstreaming of this.

Members were advised that when people join the Service they undertake training on respecting diversity, and equality impact assessment relevance testing.

The Service was looking for excellence in respect of Equality and Diversity.

Members thanked Mr Enness for his overview on the work of the Focus Group.

26. **RESOLVED** – That the oral report on the Equality Focus Group be noted

Multi Agenda Working 16 September 2009

27. Mr Kabal commented that there had been a multi agency meeting in Burton on 16 September 2009, where firefighters had talked about the Targeted Response Vehicle, which most people had found to be very interesting

Date of Next Meeting

27. The next meeting of the Panel was due to be held on Thursday 28 January 2009 at 2.15 pm.

Mrs Chapman indicated that for a future meeting a bilingual firefighter would be asked to attend the Panel to outline the work of the bilingual firefighter.

CHAIRMAN

Stoke-on-Trent and Staffordshire Fire and Rescue Authority

HUMAN RESOURCES POLICY COMMITTEE

9 November 2009

Discipline and Grievance Monitoring Report

Report of the Director of Organisational Learning and Development

SUMMARY

The purpose of this report is to keep members updated on discipline and grievance cases and provide information on the usage and effectiveness of the disciplinary and grievance procedures. This information refers to cases in September 2009, since the last report which referred to cases up to the end of August 2009.

RECOMMENDATIONS

The members note the report contents.

Financial Implications

No financial implications

Legal Implications

There are no legal implications arising at this time.

Equality and Diversity

There are no specific equalities implications at this time arising from this report.

Risk Implications

The potential risk implications of not following the current procedures may be increased litigation and cost to the Service, however, training and specialist advice and guidance in line with our procedures will reduce the impact.

With any Employment Tribunal case there is a risk to the reputation of the organisation and a financial risk, however, with the use of the Services' employment law and legal adviser this risk will be minimised. Currently no risks identified

Consultation and Engagement undertaken

Consultation is currently underway to revise the current procedures to reflect recent changes in employment law.

Other implications

None

BACKGROUND

As part of the ongoing process, this report updates and summarises the period of September 2009. Advice, guidance and support continues to be provided to support line managers. Statistical data for this period is attached for members' information.

Summary information

Only three disciplinary cases were reported in this period, all relating to operational staff. One case resulted in informal action being taken for absence. One case related to conduct/behaviour and resulted in an extension to a final written warning. The one remaining case resulted in a dismissal due to the employee's situation being covered by a statutory bar – i.e. by continuing to employ this member of staff, the Service would be in breach of a statutory regulation.

There were no cases of gross misconduct reported throughout this period

Two new grievances were raised, one of harassment and one relating to inappropriate behaviour. Both these cases are currently under investigation.

One previous case of inappropriate behaviour was concluded and no evidence was found to substantiate the allegation by the individual.

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**Summary of Discipline Cases
September 2009**

FF	Sickness	Informal	6 months
RFF	Statutory Bar/Some Other Substantial Reason	Dismissal	
FF	Conduct	Final Written	18 Months

**Summary of Grievance Cases
September 2009**

	Principal Reason	Status	Outcome
New Cases			
SM	Harassment	Pending	Under investigation
FF	Allegation of inappropriate behaviour	Pending	Under investigation
Update of Previous			
FF	Allegation of inappropriate behaviour	Heard	No case to answer

Stoke-on-Trent and Staffordshire Fire and Rescue Authority

HUMAN RESOURCES POLICY COMMITTEE

9 November 2009

Attendance Trends

Report of the Acting Head of Human Resources

SUMMARY

The purpose of this report is to keep members updated on the progress made in relation to attendance levels. This information takes into account trends across support staff and operational staff during 07/08 and 08/09.

RECOMMENDATIONS

The members note the report contents and question and comment as appropriate.

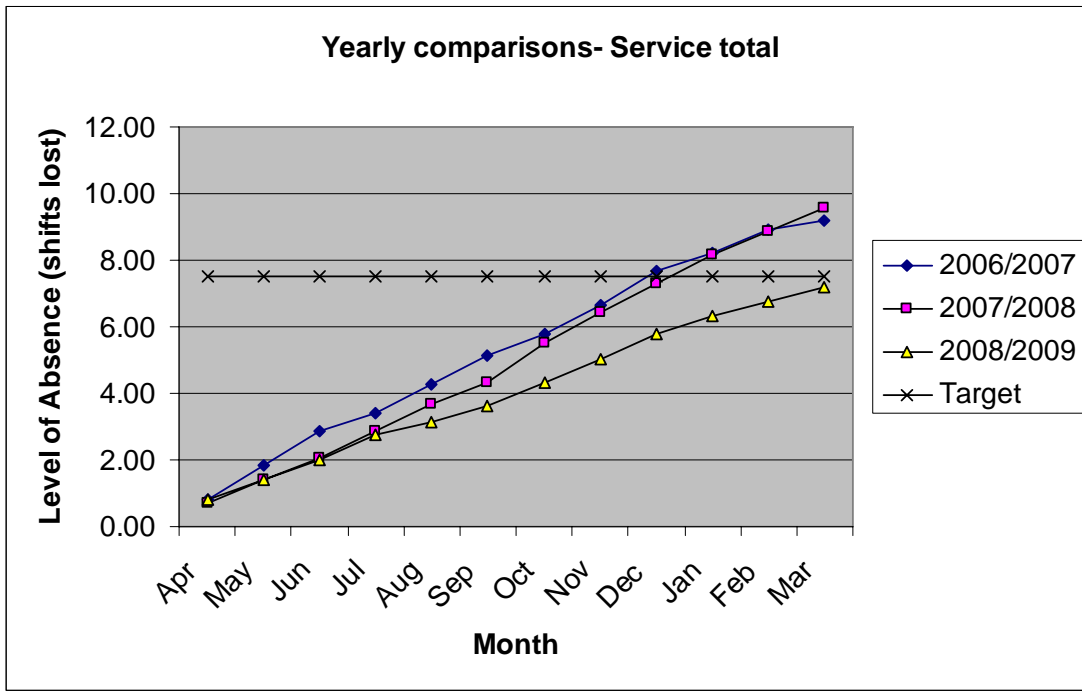
BACKGROUND

Over the last two years absence in the Staffordshire Fire and Rescue Service has decreased significantly and this is particularly apparent with regard to operational staff. We believe that this decline is due to a number of factors, not least of which is the professionalism and commitment of our staff. Further factors include more proactive absence management and support demonstrated by managers coupled with enhanced occupational health and welfare arrangements.

Summary information

The summary report for the financial year 2008/9 as reported to Service Management Board Report on 18 May 09, highlighted that the service overall sickness absence of 7.18 shifts lost per full time employee, was below the target of 7.5 shifts. This is considerably lower than the previous years where absence was at 9.19 and 9.58 respectively.

The table overleaf illustrates comparisons with previous years (*service total for shifts lost*).



Financial Implications

The organisations sickness absence costs are reducing significantly in that there are fewer days being lost overall.

With continued investment into the health and wellbeing of our staff through attendance management and our welfare strategy, it is anticipated that this reduction will continue; resulting in not only financial benefit to the organisation, but a positive working environment and improved general fitness and welfare within the workforce.

Legal Implications

All health and well being interventions take account of and comply with current legislation.

Equality and Diversity

There are no specific equalities implications at this time arising from this report.

Risk Implications

Failure to invest in the wellbeing of our staff could see a rise in absence levels and as a consequence a reduction in capacity to meet our strategic objectives.

Consultation and Engagement undertaken

Consultation is currently underway to revise the current procedures to reflect recent changes in employment law.

Other implications

None

This Report is for: Information

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Human Resources Policy Committee

9 November 2009

Equality Bill Consultation Response

Report of the Acting Head of Human Resources

SUMMARY

The purpose of this report is to update Members on the Human Resources Policy Committee on our response to the Equality Bill Consultation.

BACKGROUND

At the last meeting of the Human Resource Policy Committee Members were provided with copies of the Equality Bill Consultation and held a discussion thereon. Members were given the opportunity to pass their comments to the Equality and Diversity Manager to incorporate into the response.

A copy of the response to the consultation is attached as an **Appendix** to the report.

In compiling the response, account has been taken of the Chief Fire Officer Association (CFOA) national response and the County Equality Network response to the consultation, and where appropriate these responses have been replicated and/or reinforced.

RECOMMENDATIONS

The Members note the report contents of the report and question and comment as appropriate.

Financial Implications

N/A

Legal Implications

N/A

Equality and Diversity

This was a specific Equalities consultation.

Risk Implications

N/A

Consultation and Engagement undertaken

N/A

Other implications

None – This is a consultation exercise that we were invited to participate in

Report Author: - P.Chapman

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Response Proforma

<p>RESPONDENT NAME:</p> <p>Diane Dunlevey</p>	<p>ADDRESS:</p> <p>Staffordshire Fire & Rescue Service Headquarters, Pirehill House, Stone, Staffordshire, ST15 0BS</p>
<p>ORGANISATION</p> <p>Staffordshire Fire & Rescue Service</p>	<p>DATE:</p> <p>28 September 2009</p>
<p>CONSULTATION QUESTIONS</p>	<p>RESPONSE</p>
<p>Q1: Do you think the criteria set out above are the right ones? Please give your reasons.</p>	<p>Yes, covers key areas and in line with legislation.</p> <p>Need to ensure that there is a prescribed list of bodies to which the duties will apply.</p>
<p>Q2: Are there any other criteria we should use? If so, what do you suggest?</p>	<p>No</p>
<p>Q3: Do you agree that public bodies should have a specific duty to publish equality objectives with reference to the relevant evidence and their wider general Equality Duty obligations?</p>	<p>Yes.</p> <p>The term 'relevant evidence' should be more specific however with examples for specific sectors.</p> <p>We welcome the inclusion of all equality strands into the duty and agree with the statement around publishing against workforce profiling for sexual orientation, religion and belief and age. However currently this is problematic and should be given the time to bed-in.</p> <p>We equally value the references made to specific central, regional, local strategy indicators being used to assist</p>

	our objectives.
Q4: Do you agree that public bodies should set out the steps they intend to take to achieve their equality objectives?	<p>Yes. As such we have already produced a Single Equality Scheme inclusive of protected strands.</p> <p>We are aware that there is little value in setting equality objectives without indicating the steps that will be taken to achieve them.</p>
Q5: Do you agree that public bodies should be required to implement the steps they have set out for themselves within the business cycle period unless it would be unreasonable or impractical to do so?	<p>Yes, timescales are an imperative and need to be incorporated into the organisational planning cycles and referenced organisational plans. Guidance to do this would be extremely useful.</p>
Q6: Do you agree that public bodies should be required to review their objectives every three years? If not, what time-period do you suggest instead?	<p>Yes, a requirement to review more frequently would be too onerous. A three year planning cycle also fits in with Scheme review timescales and our Integrated Risk Management Planning cycle.</p>
Q7: Do you agree that public bodies should set equality objectives taking into account priority areas set by the relevant Secretary of State?	<p>Provided, as suggested in paragraph 5.9/10 of the consultation document that there is an option not to take them into account if they are not relevant to the organisation or the geographical region.</p> <p>There is no point in a blanket approach when if it is not appropriate to the authority and not supported by local evidence.</p> <p>As suggested in the consultation document the key focus for the organisation should be local concerns and priorities.</p> <p>However if proportionality means that</p>

	<p>local issues take priority the decision to take this approach must be soundly evidenced to ensure all the protected strands have been part of the process.</p> <p>Although proportionality is a key objective if the Equality Bill does not support all strands of equality then this will be to the detriment of the Bill.</p> <p>Ensure they are communicated effectively with clear guidance.</p> <p>Will they apply to all organisations covered by the legislation?</p> <p>How often will equality priorities be set?</p>
<p>Q8: Do you agree that public bodies should not be required to set equality objectives in respect of each protected characteristic?</p>	<p>As referred to in Q7. Proportionality is very important but initially all strands must be considered in a consistent manner and decisions soundly evidenced in terms of objectives set and actions taken.</p> <p>We appreciate the intention to be less prescriptive but this could lead to certain sections of the community being disadvantaged and potentially overlooked.</p> <p>In reality we need the support of legislation to help equality and diversity workers to take forward equality issues and mainstream them into their organisation.</p>
<p>Q9: Do you agree that public bodies should be required to report annually on progress against their equality objectives, but that the means by which they do so should not be prescribed in legislation?</p>	<p>Yes, what matters is achieving outcomes and not setting overly prescriptive legislation. Public bodies should have ample opportunity to report as annually on progress. For the Fire and Rescue Service Communities and</p>

	<p>Local Government provide a mechanism by Services reporting against the National Fire and Rescue Service Equality and Diversity Strategy.</p>
<p>Q10: Do you agree that public bodies with 150 or more employees should be required to publish their gender pay gap, their ethnic minority employment rate and their disability employment rate? We would welcome views on the benefits of these proposals in encouraging public authorities to be more transparent.</p>	<p>Why only these 3 protected equality characteristics?</p> <p>If we do not monitor all the characteristics then we cannot gather evidence to identify priorities and this could lead to some people being disadvantaged.</p> <p>As it stands this proposal is ambiguous and open to interpretation</p> <p>We would appreciate appropriate guidance on how to collect and publish this information.</p> <p>Operational staff within the Fire and Rescue Service are under the terms and conditions of nationally agreed pay scales. In addition for Fire and Rescue Services there is an adopted national and local recruitment targets for female firefighters and all BME employees. Any requirement to simply report against employment rates would overlook such specific priorities. Additionally it needs to be recognised when reporting that figures may be skewed by the differences between operational and non-operational roles.</p>
<p>Q11: Do you agree with the proposal to use the overall median gender pay gap figure? Please give your reasons. If not, what other method would you suggest and why?</p>	<p>It is not clear how this figure will be calculated or what other options are available.</p>
<p>Q12: Do you have any evidence of how much it would cost to produce and publish</p>	<p>No, although presume this would be insignificant with those organisations</p>

<p>this information, and of what the benefits of producing and publishing this information might be?</p>	<p>who already have appropriate systems in place.</p>
<p>Q13: Do you agree with the proposal not to require public bodies to report employment data in relation to the other characteristics protected under the Equality Duty? If not, what other data do you think should be reported on?</p>	<p>Yes it is difficult to collect and collate accurate data regarding religion/belief and sexual orientation. Therefore such data may be incomplete and not reliable. However the potential for a hierarchy of equality characteristics may lead to some groups experiencing disadvantage therefore this needs to be a sustained explanation and reassurance task for employers.</p> <p>It is our view that it would be inappropriate at this time but that we should be striving towards it.</p> <p>We will be recording employment data for all the characteristics for the following employment areas:</p> <p>Recruitment and selection, workforce profile, leavers, grievances, disciplines, training and appraisals. Guidance and support in this area is therefore sort.</p>
<p>Q14: Do you agree with the move away from an emphasis on describing process, to requiring public bodies to demonstrate how they have taken evidence of the impact on equality into account in the design of their key policy and service delivery initiatives and the difference this has made?</p>	<p>While it is recognised that we need to focus on outcomes, we also need to have robust processes in place, supported by legislation, to ensure that we consider impact during the design of our policies and services.</p> <p>We do not want to lose the focus of assessing impact on equality. It is important to keep an equality assessment that looks at policies and initiatives.</p>
<p>Q15: Do you agree that public bodies should have a specific duty - when setting</p>	<p>Yes - to consult across all protected characteristics but not to 'actively</p>

<p>their equality objectives, deciding on the steps towards their achievement and reviewing their progress in achieving them to take reasonable steps to involve and consult employees, service users and other relevant groups who have an interest in how it carries out its functions - or where appropriate their representatives; and in particular take reasonable steps to consult and involve the protected groups for whom the duty is designed to deliver benefits?</p>	<p>engage' all groups, as this is too time consuming and inappropriate in terms of proportionality. Authorities should be able to apply a reasonable approach supported by appropriate evidence.</p> <p>The requirement to involve and consult on legislation would help us deliver genuine outcomes and develop an effective approach to understand issues and how to tackle them.</p>
<p>Q16: Do you think that imposing specific equality duties on contracting authorities in relation to their public procurement activities are needed, or are the best way to help deliver equality objectives? Do you think such an approach should be pursued at this time?</p>	<p>We are supportive of the links between equality and procurement and the opportunity to influence equality practice.</p> <p>This is viewed as a positive way to encourage private sector organisations to take more responsibility for equality and diversity issues.</p> <p>Guidelines should provide help in addressing proportionality in approach.</p> <p>There is a need for clarification on the following: Imposing specific duties at what level? Would this be imposed across both goods and services? Any legislative requirements and associated guidance should be communicated to both procurement and equality work areas.</p> <p>It should be acknowledged that that fire and rescue services do not commonly contract services to the same levels as local authorities and PCTs. Therefore this should be recognised when drafting any specific duty.</p>
<p>Q17: Do you agree that contracting</p>	<p>Yes - but need clear guidelines/codes</p>

<p>authorities should be required to state how they will ensure equality factors are considered as part of their procurement activities?</p>	<p>of practice to support this.</p> <p>Guidelines should provide help in addressing proportionality in approach.</p> <p>Any requirements and associated guidance should be communicated to both procurement and equality and diversity work areas.</p>
<p>Q18: Do you agree that contracting authorities should be required to consider using equality-related award criteria where they relate to the subject matter of the contract and are proportionate?</p>	<p>Yes - with clear guidelines. Guidelines should provide help in addressing proportionality in approach.</p> <p>Any requirements and associated guidance should be communicated to both procurement and equality and diversity work areas.</p>
<p>Q19: Do you agree that contracting authorities should be required to consider incorporating equality-related contract conditions where they relate to the performance of the contract?</p>	<p>Yes, again clear guidance is important that also provide help in addressing proportionality of approach.</p> <p>Any requirements and associated guidance should be communicated to both procurement and equality and diversity work areas.</p> <p>A need to consider changing the wording of 'performance of the contract' as this is ambiguous - needs more clarity.</p>
<p>Q20: What would be the impact of a regulatory proposal aimed at dealing with suppliers who have breached discrimination law? What might be the benefits, costs and risks?</p>	<p>Beneficial but could deter some suppliers from entering the tendering process.</p> <p>The benefit would be a perceived comfort blanket to buyers where they believe regulations are in place to ensure compliance, however little is known as to how the regulations would operate and impact on those providers not complying. In reference to the cost</p>

	<p>and risk - this might increase resourcing costs which ultimately impacts on the price of goods and services. It may place unwarranted financial strain on small to medium organisations, who are attempting to deliver compliance but who are unable to permanently employ equalities staff, resulting in the possible use of consultants which in turn will impact on the cost base.</p> <p>Any requirements and associated guidance should be communicated to both procurement and equality and diversity work areas.</p>
<p>Q21: Do you support the proposal to establish a national equality standard which could be used in the procurement process? If so, do you believe this is achievable through a specific duty or is this better tackled through a non-legislative approach? Are there any practical issues that would need to be considered?</p>	<p>The Government Procurement Department and the Government Equality Department should link together to ensure that their rules and guidance compliment each other.</p> <p>The Equality Standard and the revised approach under the Equality Framework is inclusive of procurement currently and therefore the necessity to bring in further legislation is superfluous. Any requirements and associated guidance should be communicated to both procurement and equality and diversity work areas.</p>
<p>Q22: Which of the above four models do you consider achieves the best balance between joined-up working and senior accountability for equality outcomes, while avoiding unnecessary burdens? Please explain why.</p>	<p>Unsure of the implications for different authorities. Would need more information and examples of how the models work.</p> <p>However Option 1 and Public bodies should be gathering relevant performance information as part of their usual performance management</p>

	reporting systems. This would therefore not place an additional burden.
Q23: Do you have any other suggestions how this duty could be remodelled to retain the valuable features of senior accountability and joined-up working, whilst avoiding unnecessary burdens?	No suggestions
Q24: Are there any specific requirements, other than those that we have proposed, which you think are essential to ensure that public bodies deliver equality outcomes in an effective and proportionate manner?	<p>The monitoring of all equality strands.</p> <p>Throughout the document the focus on outcomes is implied but not explicit. A greater emphasis on outcomes would help equality and diversity workers.</p>
Q25: What role do you think the guidance from EHRC should play in helping public bodies implement the specific duties in a sensible and proportionate manner? What do you think it would be helpful for such guidance to cover?	<p>The guidance from the EHRC should play a major role in helping public bodies implement the specific duties particularly in applying legislation in a proportionate manor rather than a blanket approach.</p> <p>The guidance must be available as early as possible to allow organisation sufficient time to implement the duties when required. It should be clear and user friendly information on how to implement the duties with strong links to the bespoke Equality Frameworks.</p> <p>The guidance should be specific to particular work areas such as :</p> <ul style="list-style-type: none"> Objective setting Reporting Assessing impact Consultation/involvement Procurement