

REPORT TO:	RESUMED POLICY & FINANCE COMMITTEE
DATE:	WEDNESDAY 13th SEPTEMBER 2006
REPORT NO.	CFO/178/06
REPORTING OFFICER:	CHIEF FIRE OFFICER
SUBJECT:	LOCAL DISPUTE RESOLUTION TALKS PROPOSAL

Purpose of Report

1. To seek the Authority's approval to invite the National Joint Council Secretaries to Merseyside, to assist the Local Dispute Resolution talks.

Recommendations

2. It is recommended that
 - i. The Clerk, on behalf of the Authority agrees to the FBU request to invite the joint secretaries of the National Joint Council, to attend Merseyside, at their earliest convenience, to support the local joint secretaries in finding a resolution to the local dispute.
 - ii. Prior to talks commencing, there is a clear understanding developed of the context and status of such talks which on this occasion should be confined to Joint Secretaries (2 Local, 2 National).
 - iii. The Fire Authority continues to face industrial action, in opposition to its proposals for changes which will enable it to meet its significant budget deficit and the Authority, again, asks the FBU to suspend it's strike action.
 - iv. The Fire Authority determine the level of delegated authority to be given to the local joint secretary whilst taking part in such talks.

Background

3. The Fire Authority is committed to the local and national procedures for consultation and negotiation and continues to be disappointed at the FBU taking strike action even before the Fire Authority have made any decisions.

4. The local joint secretaries have been trying to find a resolution to the dispute about four specific issues. The FBU have made 4 demands:-

Demand 1:

Withdrawal of the proposed transfer of four pumps at night from City Centre, St Helens, Birkenhead and Bootle & Netherton to become wholetime retained at night but on a reserve, rather than a retained status. “

5. **These proposals have been under consultation for many months, and the proposals have changed significantly.**

Demand 2:

“ Withdrawal of the LLAR shift system to be worked at 6 locations in Merseyside which requires members to work 96 hours straight through. This will involve the loss of approximately 72 posts.”

6. **These proposals have been through the agreed local and national processes (including a National Technical Advisory Panel), and volunteers have entered into new contractual arrangement that sees them earning over £35k per annum. There are no grievances registered as a result of this system, and we have approached the issue of transfer sensitively and responsively. Contracts have been entered into for all six stations, although for two stations we have limited the contract to the managers who will review the practicality of LLAR for these 2 stations (given their specific workload). There are no proposals to extend the LLAR system beyond these 6 stations.**

Demand 3:

“Acceptance that the proposed shift system for fire-fighter (control) members including variable staffing is a matter for negotiation, not consultation and immediate withdrawal of these proposals which will result in job losses of 8-15 posts”.

7. **These proposals are still under consultation, and a number of positive suggestions have been made about alternative strategies, that are welcomed and are being actively considered by the Authority.**

Demand 4:

“Acceptance that the secondary contracts provide for overtime working at rates of pay not only below nationally agreed Grey Book overtime rates but lower even than normal basic pay. Immediate withdrawal of these contracts and an assurance that overtime will be at agreed rates and not offered at lower rates in secondary contracts.”

8. **These contracts have been in operation with personnel who have voluntarily entered into the contract with the result that more personnel are able to get leave over the weekend period. The rates of pay are all in compliance with Grey Book rates of pay and this matter has been fully considered up to and including the national level at NJC, through the nationally and locally agreed processes, and been regarded by those processes as being both within and consistent with the Grey Book.**

Demand Summary:

“Until all four assurances outlined above are confirmed a trade dispute exists between FBU members in Merseyside and the Authority. The dispute will be resolved if the Authority unconditionally confirms all four points specified in the terms set out.”

9. A request has now been made by the FBU for the national Joint Secretaries of the National Joint Council (NJC) to become involved, and assist the local joint secretaries in hopefully reaching a resolution to the dispute. The Authority are therefore asked to consider whether they wish to invite the National Joint secretaries to support the local joint secretaries in trying to find a resolution to the four issues of dispute.
10. If Elected Members are minded to make such an invitation it would be important to be clear about the context and structure of such discussions.
11. The context remains the same in that the Authority continue to face a £3.5 million budget deficit which must be addressed.
12. In terms of structure of talks it is suggested that the Authority may wish to emphasise their commitment to finding a local resolution to a local problem and that the role of the national Secretaries is to support the local secretaries in finding a resolution.
13. There are no hard and fast rules about the best way to negotiate a settlement of a dispute of this nature. Tactics which are effective in achieving an attractive outcome in one case may fail to work in another. So there clearly needs to be some flexibility in the conduct of negotiations.
14. In a case such as this there is little point in either side attending a meeting if they have no "room for manoeuvre" and have been instructed to take an inflexible line by their respective bodies. The Authority are asked to confirm that their support of the local joint secretaries arrangement and express their confidence in the outcomes of this arrangement.

15. Typically, in the past meetings aimed at negotiating a settlement take place at a neutral venue and NJC officers engage in a kind of "shuttle diplomacy" between the parties, who may be occupying separate rooms.
16. Before the Authority invite the national joint secretaries to assist in Merseyside, it is suggested that they would want to be clear about the process to be followed, and a commitment from the Employees side that they agree with the process.
17. As importantly the Authority would want to understand the status of any understanding that may be reached in talks, and what next steps would need to be followed to turn an understanding into a resolution.
18. On the basis of discussions at the Elected Members seminar last week, the local joint secretary (employers) has had informal discussions with the national joint secretary (employers) on the basis of these informal discussions, it is believed that talks could commence reasonably quickly.
19. The involvement of National Joint Secretaries is normally a conciliation process that usually operates on the basis of shuttle diplomacy. However, it is equally feasible that if the parties locally believe that a different approach, such as the national and local Joint Secretaries working largely together would be more appropriate in the current situation, then it is possible to adopt a different structure.
20. Given the progress that has already been made at local level, and the 7 years of relationship building that has taken place at local level, it is recommended that the Authority seeks talks which are confined to the respective joint secretaries (local and national) and invite the FBU to also show their commitment to this arrangement.
21. This approach accords with the comments made in previous correspondence from the Principal Negotiating Officer of the NJC, attached at Appendix A.
22. It is also important to recognise the need for proper delegated authority in all parties and the Authority are asked to consider what level of delegated Authority is given to the local joint secretaries.
23. Members are asked to reinforce previous commitments to dignity and respect by again stating that good behaviour is not negotiable.

Financial Implications

24. There are no specific financial implications from this report.