

**Minutes of the Meeting of
Shropshire and Wrekin Fire Authority
Human Resources Committee
held at Brigade Headquarters, Shrewsbury
at 2.00 pm on Thursday, 6 December 2007**

Present

Councillors Dr Drummond (Vice-Chair), Groom, Hartin, Mrs Holyoak (Chair) and Picken

Before business commenced, the Chair asked the meeting to stand for a minute's silence as a mark of respect for the four firefighters who lost their lives in Warwickshire.

1 Apologies for Absence

Apologies for absence had been received from Councillors Davies and Hurst-Knight.

2 Declarations of Interest

There were no declarations of interest.

3 Non-Exempt Minutes

Members received the non-exempt minutes of the Human Resources Committee meeting held on 6 September 2007.

Resolved that the non-exempt minutes of the Human Resources Committee meeting, held on 6 September 2007, be agreed and signed by the Chair as a correct record.

4 Update on Progress against the People Strategy

This report informed Members about progress against the People Strategy approved by the Committee at its meeting on 21 November 2006.

Councillor Groom asked for clarification of the succession process that was referred to in the appendix to the report. Whilst, he could see the need for a pool of people who could be promoted to various roles, he was concerned that it may be the case that individuals were being trained to take on certain roles. The Assistant Chief Officer gave a brief explanation of the succession process which is done through Assessment and Development Centres. Individual Development Plans are drawn up to enable individuals to achieve the personal qualities and managerial skills necessary for promotion. Job specific interviews are then held for each role.



Resolved that Members note the content of the report.

5 Cultural Audit Benchmarking Results

This report informed the Human Resources Committee about the recently received benchmarking report from Opinion Research Services (ORS).

The Assistant Chief Officer informed Members that Shropshire Fire and Rescue Service had been ranked third out of the 19 Fire and Rescue Services that had undertaken the Cultural Audit. She also explained that it was not compulsory for Services to take part in the Cultural Audit.

The Cultural Audit Action Plan has used the results of the Cultural Audit to identify focus areas. These have been raised with the representative bodies and will be used for planning future activity.

Councillor Holyoak asked if it was likely that more Fire and Rescue Services would undertake the Cultural Audit in the future. The Assistant Chief Officer thought that this was very likely. She also explained that the Integrated Risk Management Planning Members' Working Group had asked that the Cultural Audit be undertaken again in 18 months / two years time, in order to assess whether progress had been made. The Committee thought that this was an excellent idea and requested that the results be brought back to the Committee in the future

Resolved that Members note the contents of the report with the proviso that any future Cultural Audits are brought back to the Committee

6 Proposed Introduction of Physiotherapy Services

This report provided the Human Resources Committee with information in order that it may consider whether to approve the provision of physiotherapy services for employees for a one-year trial.

Councillor Groom asked if the Service would be available to both green and grey book employees. The Human Resources Manager confirmed that it would be.

Councillor Drummond commented that the trial was a good idea but raised concerns about recommendation d) – that a referral be made for any injury, regardless of whether it is work related or not. The Human Resources Manager explained that this had been included because the Service requires its employees to maintain a certain level of fitness for duty but does not provide any gym facilities. Therefore it is possible that employees may sustain injuries whilst undertaking sports as a means of keeping fit. Councillor Groom asked if there was any data available relating the number of these injuries. The Human Resources Manager did not have any data to hand but estimated that the numbers would be relatively low.



Councillor Hartin commented that the scheme seemed advantageous and worthwhile trialling. Councillor Holyoak agreed as she felt that it demonstrated the Service's concern for employees' welfare.

Councillor Groom referred to the potential disadvantages outlined on page 3 of the report and asked who might challenge the decision. The Human Resources Manager explained that the Authority may be challenged over why it was spending public money on a service provided by the NHS. Councillor Groom then asked if it was likely that the NHS would challenge the decision to provide physiotherapy services. The Legal Advisor thought that any such challenge could be resisted successfully.

The recommendations were proposed by Councillor Picken, seconded by Councillor Drummond and it was

Resolved that the Human Resources Committee make the following recommendations to the Fire Authority:

- a) to trial fast-track physiotherapy services provided by the Robert Jones and Agnes Hunt Hospital for one year;
- b) to refer employees only if the General Practitioner indicates physiotherapy is not available from the National Health Service within one month of it being deemed necessary;
- c) that our Occupational Health Advisor agrees the need for physiotherapy;
- d) that a referral may be made for any injury, regardless of whether it is work related or not;
- e) to provide funding for up to a **maximum** of 6 sessions per person per injury;
- f) that officers monitor the take-up, effectiveness and costs for the one-year trial period and report back to Human Resources Committee; and
- g) to approve a virement from the operational overtime budget to the occupational health budget to fund the one-year trial.

7 Ill-Health Retirement and the Firefighter Pension Schemes

This report informed the Human Resources Committee about the current situation regarding ill-health retirement under the Firefighter Pensions Schemes and the request received from the national Fire Brigades Union (FBU).

The Assistant Chief Officer explained that the first line of the second paragraph of section 5 should read 'the relevant authorities within the devolved administrations' not 'developed administrations'.

Councillor Hartin commented that the Chief Fire Officers Association appears to add to and strengthen the FBU recommendations and he proposed that the recommendations in the report be agreed. This was seconded by Councillor Drummond and it was



Resolved that Members agree that:

- a) They will support the FBU position; and
- b) They wish to recommend that the Fire Authority adopt the position of the Chief Fire Officers Association on this matter.

8 Employment of Firefighters on the Retained Duty System as Police Community Support Officers

This report asked Members to decide whether they wished to allow firefighters on the Retained Duty System (RDS) also to be employed as Police Community Support Officers (PCSOs).

The Legal Advisor gave the following advice to the Committee:

Contrary to Fire and Rescue Services Act Circular 38-2004 which is quoted in the report, the Fire and Rescue Services Act 2004 states that no member of the Police Force can be employed by a Fire and Rescue Service to discharge the duties of that service. Therefore legal advice would be to defer the decision, in order that the issue can be discussed further with the Police Authority and further clarification sought.

Councillor Hartin commented that as there is a discrepancy between the advice given in the Act and the Circular then the Authority needs to contact those who drafted the documents, particularly as the Circular has no force of law. The Assistant Chief Fire Officer advised Members that the issue has been put to Communities and Local Government (CLG). CLG contacted the National Policing Improvement Agency (NPIA) who advised that the 'matter is one for local authorities to decide'. Councillor Hartin was particularly concerned as there are proposed changes to widen the powers of PCSOs, which could lead to further complications.

The Assistant Chief Officer advised Members that the wording in the Fire and Rescue Services Act 2004 was carried over from the 1947 version of the Act and refers to conflicts of interests in terms of warranted powers.

Councillor Hartin expressed concern about the individual involved in the case and the situation they would be left in should the Committee defer making a decision on this issue today. Councillor Picken asked if the individual would have time to carry out both roles. The Human Resources Manager confirmed that they would.

Members felt that more clarification was needed before the decision could be made. Councillor Groom felt that any deferment of the decision should be made with a purpose especially as this appears to be a 'global' problem which the Service may be unable to solve.



There was concern amongst Members that referring the issue back to the Police Authority for clarification may lead to the cessation of the individual's employment with the Police Authority.

The Legal Advisor reiterated the advice given earlier that the decision be deferred in order for clarification to be sought with an approach being made to CLG for clarification.

Having considered the advice given by the Legal Advisor and the discussion amongst Members, the Committee resolved not to agree the recommendations in the report. It was proposed by Councillor Picken that the decision be deferred to the next meeting of the Human Resources Committee, in order that further clarification be sought on the issue. This was seconded by Councillor Groom and it was

Resolved unanimously that the decision be deferred to the next meeting of the Human Resources Committee, in order that further clarification be sought on the issue

9 Retained Firefighters and the Part Time Workers (Prevention of Less Favourable Treatment) Regulations

Circular EMP/11/07 from the Fire & Rescue Services National Employers which provided an update on the latest position regarding the five-day Employment Tribunal hearing that commenced on 12 November 2007 was presented to the Committee.

The Assistant Chief Officer advised Members that there may be potential financial consequences relating to this decision.

Councillor Hartin asked what would happen if the tribunal make the same decision as the one that was made originally. The Assistant Chief Officer explained that as the issue was referred back to the tribunal to ask appropriate questions that were not asked originally, there would be another right of appeal as different questions have been asked.

Resolved that the Committee note the contents of Circular EMP/11/07.

10 Member Development Plan 2007/08

This report sought the formal approval by the Human Resources Committee of the attached Member Development Plan.

Councillor Hartin commented that he was concerned that two less Members had undertaken Member Development Reviews this year and asked if those Members who had not undertaken had been contacted to establish why they had not engaged in the process. It was thought that it could be long-standing members who had not taken part but the Committee felt it was a worry for the Fire Authority if it was new members who had not taken the opportunity. The Assistant Chief Officer suggested that a short questionnaire could be sent to



the members concerned to investigate this. Councillor Groom suggested that a phone call would work just as well, if not better.

Councillor Hartin proposed that the recommendations be accepted with the addition as recommendation f) that those members who have not undertaken Member Development Reviews be contacted to establish why they have not done so. This was seconded by Councillor Picken and it was

Resolved that the Human Resources Committee approve:

- a) The areas constituting the Member Development Plan for 2007/08;
- b) That half-day sessions are booked in advance throughout 2008 to enable forward planning of development activity;
- c) Where practicable, pre-meeting or post-meeting sessions could also be arranged for specific topics;
- d) That the Development Review process for Members be repeated in 2008;
- e) That recommendations are made to the Fire Authority accordingly; and
- f) That those Members who have not undertaken Member Development Reviews be contacted to establish why they have not done so.

11 Local Government Act 1972

Resolved that, under the Local Government Act 1972, the public be excluded for the following items on the grounds that they involved the likely disclosure of exempt information, as defined by the provisions of Part I of Schedule 12A to the Act, by virtue of paragraphs 1 and 2

12 Exempt Minutes (Paragraphs 1 and 2)

Members received the exempt minutes of the Human Resources Committee meeting held on 6 September 2007.

Resolved that the exempt minutes of the Human Resources Committee meeting, held on 6 September 2007, be agreed and signed by the Chair as a correct record.

13 Applications to Undertake Outside Employment (Paragraphs 1 and 2)

This report informed Members of three applications to undertake outside employment.

Resolved that Members approve the applications made for outside employment.



The meeting closed at 3.00 pm.

Chair.....

Date.....



**Definitions of Exempt Information
Local Government Act 1972 – Schedule 12A**

**Part 1
Descriptions of Exempt Information: England**

Paragraph

Information relating to any individual

Paragraph 2

Information which is likely to reveal the identity of an individual

Paragraph 3

Information relating to the financial or business affairs of any particular person (including the authority holding the information)

Paragraph 4

Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority

Paragraph 5

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

Paragraph 6

Information which reveals that the authority proposes:

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment

Paragraph 7

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

