



Fire Service Headquarters,
99 Vauxhall Road, Birmingham B7 4HW

Karen Gowreesunker
Clerk, West Midlands Fire and Rescue Authority

Mr Matt Wrack
General Secretary
Fire Brigades Union
Bradley House, 68 Coombe Road
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Surrey KT2 7AE

Date: 20 April 2018
Our Ref: FBU/A200418
Tel No: 0121 380 6678/6906
Please ask for:
Karen Gowreesunker

Dear Mr Wrack

FBU Trade Dispute - West Midlands Fire Service April 2018

We acknowledge receipt of your letter dated 11 April 2018 (received on 11 April) where you set out various areas of concern and which form the basis of your Trade Dispute.

We do not recognise many of the assertions made in the body of the letter or those that give the basis for the 5 points you suggest as a form of resolution. It is concerning that these issues have been escalated to a Trade Dispute based on inaccurate and incorrect information. The issues raised have all been subject to various consultation processes and appropriate regular engagement with Local Officials and our staff.

We trust this response provides further clarity around the points you raised in addition to a recommendation for next steps.

Our approach

West Midlands Fire Service (The Service) is committed to engaging with our recognised representative bodies through our Employee Relations Framework (ERF). This ERF was developed and agreed with the locally recognised Trade Unions and provides for regular meetings between the Trade Unions and Principal and Senior Officers.

An example of this would be:

Developing a sustainable staffing model, delivered within a balanced budget and which supports the Services Efficiency Plan. This engagement is currently being undertaken through a working group which includes the officials from the local recognised representative bodies with a view to achieving shared solutions on a variety of issues.

This working group has clear terms of reference and a framework which has been agreed by all parties, examples of the overarching assumptions for the framework are:

- The overriding principle of the shared solution is accepted and adopted in accordance with section 179 of the Trade Union and Labour Relations Act.
- The ongoing dialogue for shared solutions must be financially sustainable and budgeted through savings and/or income generation.

Organisational Learning

As part of our ethos, as a learning organisation we do review and debrief our activities and learn from them. An example would be 'Making Connections Walsall' which you reference in your letter. We recognised and acknowledged this situation and it was resolved by engaging through our ERF.

We always endeavour to ensure all employees and locally recognised representative bodies are engaged and informed therefore having the opportunity to influence decision making.

Background Information:

It is important to share with you an overview of the culture at West Midlands Fire Service. We believe in an evidence based approach, focused on risk and reducing vulnerability within the communities of the West Midlands. The maintenance of our Service Delivery Model (SDM) is crucial in ensuring this.

We are committed to providing an excellent service to the communities of the West Midlands, including maintaining a fast response standard with 5 firefighters on a frontline appliance. To achieve this, we seek continuous service improvement and identify where we can support for the ongoing reduction of vulnerability to fire and rescue service risk within our communities.

Whilst seeking to meet the funding reductions set out in the Efficiency Plan, the Authority recognises the need at the same time to provide services that effectively and efficiently meet the needs of the community. This includes the maintenance of the SDM (which includes our operational workforce, appliances and stations), Integrated Risk Management Plan (IRMP) and importantly the risk based 5 minutes' attendance standard for category 1 incidents.

To achieve this continual improvement within a balanced budget The Service does need to explore alternative funded services. We have continuously enabled our employees and representative bodies to be engaged and involved in this journey through the appropriate use of the ERF.

Ceasing alternative funding services

If the Service no longer explores alternative funded services through expansive activities this could have a negative impact on our SDM to the sum of £2 million. This could equate to circa 50 whole time firefighters.

There will be several alternatives available to us if we are no longer able to provide these services; including the removal of Voluntary Additional Shifts (VAS) which is something we will be seriously considering.

We are striving to evolve and improve the Services to the communities of the West Midlands and protect vulnerable people in the most cost-effective way but also in a way that secures employment.

Reflecting our communities

We are proud of the services we provide to our communities and we continue to review and develop this. Our firefighters are at the heart of our organisation and we are proud of the work they do. The development of the role of the firefighter to provide alternative funded services is enabling West Midlands Fire Service, within fire and rescue related risk, to achieve the aims outlined above and protect our SDM and again provides security of employment for our staff.

It is also influencing the outcomes of our recruitment by attracting a greater diversity of candidates. We are particularly seeing more women being successful in the selection process. Currently, 50% of successful candidates are women. Whilst some of this is due to our candidate nurturing approach, the numbers applying in the first place has increased as we require a greater variety of skills.

As you will be aware there is an expectation from the Equality and Human Rights Commission(EHRC) which is endorsed by the Local Government Association (LGA) and also supported by yourselves that fire and rescue services should be representative of the communities they serve.

Outline response to your 5 points:

For us to demonstrate some early evidence in support of our position to your letter please note an initial response to each of the five points.

1. Immediate withdrawal of all contracts of employment:

Although not required to consult on contracts for new employees, we can evidence the fact that we did engage with the recognised local representative bodies. The evidence of this can be shared through pre-conciliation discussions. The final contract has been shared with the Local Officials and appears to be different to the one quoted in your letter. The contract aligns to the Grey Book 6th Edition - section 4-part A 1. There is a commitment by The Service as part of regular discussions to review the new contract on an ongoing basis.

2. Agreement that firefighter control will only be required to handle calls within the role map of firefighters:

We are currently engaged in consultation with the Local FBU Officials around the call handling element of the wider health services. We have referred to the nationally agreed FF (control) role map and the Service has shared the technical legal advice on this matter when commencing consultation. This was most recently discussed at the Joint Consultative Committee on the 3rd April and the decision was taken to extend consultation until the 17th April 2018. A written response from the local FBU was received on the 17th April 2018. This response is now being considered by the Service and further discussions are planned through our recognised ERF.

To date this work activity has only been undertaken by those who have volunteered to undertake this activity and then further supported by wider Business Continuity Arrangements.

3. Allegation of interference with members' legitimate trade union activities:

The Service expressly denies this allegation. There has not been any intention by the Service to interfere in trade union activities.

The Service works collaboratively with all the Local FBU Officials and supports activities to develop shared solutions and bring about improvements to the Service. There is a commitment to work within the agreed ERF and there are many positive examples of this. The situation referenced in your letter was a very specific circumstance: the DCFO considered there was a risk to The Authority around mobilisation data being collated on a non-secure platform. The issue was initially raised with Local Officials. The issue relating to the management of information and trade union activity was resolved by the Regional Officer. The Local Officials had stated that they could use whatever means necessary to collect data; however when asked for this advice were

unable to provide the evidence. There is also a meeting being arranged with the Regional Officer to discuss commitment to health and safety and the Health and Safety Brigade Committee. This is evidenced in written exchanges by all parties.

4. Working to reach an agreement with the FBU:

The Service expressly denies this allegation. The Service has not in any way attempted to incentivise its employees to circumvent collective bargaining. The Service does have an interest in the views of the workforce and may seek such views from its workforce to support the collective bargaining process. However, The Service refutes the claim that it has tried to undermine its own collective bargaining process as outlined in the ERF or at all. This allegation is again based on inaccurate information. The evidence provided in this response demonstrates we actively engage with our locally recognised representative bodies and employees. Additional information and evidence can be provided through pre-conciliation discussions.

5. Addressing issues of management style:

We do not accept there is a dictatorial management within The Service. We spend a lot of time developing our workforce and empowering our managers. However, if there are specific concerns then these should be raised locally and addressed at a local level.

As outlined in this letter, The Service has an ERF which forms the basis of our engagement and our approach to collective bargaining. Local representative bodies are engaged at the earliest opportunity to contribute to shared solutions and influence decisions on the implementation of change and often what change is implemented. In support of this; The Service has embedded:

- Commitment to change;
- Personal accountability;
- Enhanced facilities provision which provides a minimum facilities time allowance which is annually reviewed;
- Move to frameworks to embed openness, transparency and personal accountability and not policies which can be used as a tick box approach to decision making.
- Health and wellbeing.

Next Steps

As already stated we do not recognise the picture you have outlined. We believe it is important to get to a stage of common understanding and we wish to work with you to achieve this. Furthermore, we wish to identify a mutually acceptable way forward which supports our SDM before possible further action from either party is commenced. This would be in line with the NJC's protocol on good industrial relations which refers to committing to taking unilateral action only as a means of last resort.

We therefore suggest as a way forward, that we participate in initial facilitated dialogue through the Joint Secretaries as a mechanism to ensure accurate information and to provide evidence of engagement.

This initial facilitated dialogue would provide the opportunity for both parties to share the facts of their respective positions which could lead to more meaningful dialogue and improved outcomes. This demonstrates the Services commitment to engagement, collective bargaining and our ERF.

Following this initial engagement with the Joint Secretaries and the sharing of the facts supported by evidence, consideration could be given to the impact on the nature of the Trade Dispute and jointly agree the next steps. At this point both parties may agree that the best approach to resolve the matter is by referral to the NJC, for example, through the conciliation process.

It is important to note, The Service would expect, as we enter this period of engagement with the NJC Joint Secretariat, to see the 'status quo' being maintained. This would mean no further action would be taken to progress the dispute whilst the sharing of information and next steps with the NJC is being agreed or taking place. In any event, at this stage and considering the issues and inaccuracies raised by The Service in responding to your letter, we have concerns about the legitimacy and whether there is a lawful basis for any proposed industrial action.

We await your response to my suggested next steps.

Yours sincerely

A handwritten signature in black ink, appearing to be 'KG' or similar initials, followed by a horizontal line.

Karen Gowreesunker

Clerk to the Authority