

**REVIEW OF CAMBRIDGESHIRE AND PETERBOROUGH FIRE AUTHORITY
CONSULTATION WITH REPRESENTATIVE BODIES**

- To:** Overview and Scrutiny Committee
- Date:** 6 October 2022
- From:** Overview and Scrutiny Review Group
- Purpose:** To present the findings of the review of Cambridgeshire and Peterborough Fire Authority Consultation with Representative Bodies
- Recommendations:** The Committee is asked to;
- (a) Consider and note the contents of this report,
 - (b) Approve the recommendation at Paragraph 12.1,
 - (c) Discuss and agree suggestions to take forward to the next Authority meeting (Paragraph 12.2),
 - (d) Approve the recommendation at Paragraph 12.3.

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EXECUTIVE SUMMARY OF FINDINGS

Theme	Paragraph	Positive Findings	Neutral Findings	Negative Findings	Recommendation
Part A - Background	1 - 3				
Part B – Findings					
Background	4	People at the centre Union membership through personal choice.	Three distinct unions.		
What is the Joint Consultative Committee?	5	Clearly defined terms of reference. Promotes openness and transparency.			
Evolution of the Joint Consultative Committee	6	Structure and format changed as required.		Meetings ceased in 2017.	
Current Position	7	Member-led review instigated.	No issues raised despite lack of meetings.	No meetings for prolonged period.	
Meetings with Representative Bodies/Key Stakeholders	8	Positive attitude of all representative bodies.	Difficult for FRSA to meet in normal working hours.	No change in FBU position.	
Other Considerations/Influencers	9	Legally compliant. Positive inspection findings.	No best practice examples. Limited response to research request.		
Conclusions	10				
Options	11		Three available.		
Recommendations	12				

PART A - BACKGROUND

1. Introduction

- 1.1 This review is being undertaken to satisfy the Fire Authority that its consultation with representative bodies is legally compliant and offers the most effective and productive way to allow dialogue on issues and concerns between the Service, members and representative bodies whilst promoting transparency and openness. Whilst this review contributes to all four excellence statements it is predominantly focussed on people.
- 1.2 The review mentions but does not extensively comment on existing consultation and negotiation forums between officers and the representative bodies.
- 1.3 The review was undertaken by Councillors Mac McGuire and John Gowing.

2. Review Objectives

- 2.1 The objectives of the review were to:
 - Research best practice in the sector,
 - Interrogate internal governance evidence and specifically those documents relating to the evolution of the current way in which the Authority consults with representative bodies,
 - Provide the Authority with assurance that it is legally compliant and has an effective and efficient governance structure that reflects best practice in sector,
 - Comment and make recommendations on its findings as appropriate.

3. Methodology

- 3.1 The terms of reference for this Member-led review set out the key lines of enquiry, which were:
 - Understand the existing governance arrangements and any historic influencers,
 - Identify other means by which consultation and dialogue is achieved,
 - Research best practice in sector,
 - Assure the Authority that it is legally compliant.
- 3.2 The report does not comment on any related influencers or methods of consultation outside of the Authority, but does consider how the Authority monitors any need to change how it consults with representative bodies.

- 3.3 Both members of the Review Group are currently appointed to the Joint Consultative Committee (JCC). In order to (re) familiarise themselves with the evolution and work of the committee, background research was carried out and informal meetings were held with several key individuals (the Chief Officer Group, Monitoring Officer, Fire Brigades Union, Fire and Rescue Service Association and UNISON representatives). It also periodically discussed the progress of the review with other members of the Overview and Scrutiny Committee, including those new members appointed to the Authority after the elections in May 2021, to garner their views.
- 3.4 Any member of the Overview and Scrutiny Committee wishing to review evidence not specifically included in this report or requiring further information should contact the Scrutiny and Assurance Manager who will make the necessary arrangements.
- 3.5 The remainder of this report sets out the findings from the review.

PART B – FINDINGS

4. Background

- 4.1 Cambridgeshire Fire and Rescue Service (CFRS) is a complex organisation with a range of statutory and community duties. To enable the Authority to meet its statutory obligations, strategic priorities and operational needs it currently operates from 28 fire stations across the county, 27 of which are operational. Management, professional support services and the UK's first Combined Fire Control (CFC) are all based at Service Headquarters in Huntingdon.
- 4.2 At the time of writing the establishment is 242 wholetime firefighters (including principal officers) and 250 (full time equivalent) on-call firefighters who are mobilised across Cambridgeshire, Peterborough and Suffolk by 36 staff operating within the CFC. Essential operational and business support functions are provided by 138 full time employees that work in professional support service roles.
- 4.3 The number and locations of the stations, management structures and staffing model are routinely reviewed to ensure CFRS delivers a service that continues to be effective and efficient within the constraints of the budget available each year.
- 4.4 People are at the centre of the organisations vision. This is an ambitious statement which CFRS aspires to meet in future. It includes people in the community and CFRS employees in terms of training, development, health, safety and wellbeing.
- 4.5 Membership of a representative body is an individual decision for each employee and although subscriptions are managed through payroll, membership status is not shared with management or anyone else. Within Cambridgeshire, there are three representative bodies;
- Fire Brigades Union (FBU),

- Fire and Rescue Service Association (FRSA; formerly Retained Firefighters Union or RFU), and
- UNISON.

5. What is the Joint Consultative Committee?

- 5.1 The Joint Consultative Committee (JCC) is a Fire Authority committee that has clearly defined terms of reference including membership, scheduling and procedural arrangements. Its purpose has always been to act as a consultative body rather than a forum for negotiation, allowing dialogue on issues and concerns between the Service, members and representative bodies to promote transparency and openness.

6. Evolution of the Joint Consultative Committee

- 6.1 The Review Group found evidence that, in October 2014, the then Monitoring Officer presented a report to the Fire Authority asking them to approve amended terms of reference for two committees, one of which was the Joint Consultative Committee. At that time, for unknown reasons, the JCC had not met for several years and the then Authority Chairman wished members to consider reinstating the JCC to provide a forum in which recognised trade unions could engage in discussions with members on matters of interest. In the month prior to the Authority meeting, a steer had been requested from the then Policy Committee regarding the membership composition and other matters. The existing membership was five Authority members and two trade union representatives from each of the three unions. It was proposed that membership be expanded to seven Authority members including the Chairman and Vice Chairman, making it more representative of the political groups.
- 6.2 The recommendations were approved by the Authority (Minute 81 of the Fire Authority meeting held on 9 October 2014 refers).
- 6.3 At this time the JCC was scheduled to meet a few days before the Fire Authority meeting to consider items on that agenda; the two inaugural meetings were held on 9 February 2015. At the meeting in May 2015, cognisant of recent ministerial statements and the stance taken by the then Department of Communities and Local Government, the Service representatives, asked if both the FBU and UNISON would be agreeable to hold joint, rather than separate, meetings with the RFU moving forward. Whilst the UNISON representative was immediately agreeable, the FBU responded formally (Minute 6 of the JCC meeting held on 18 May 2015 refers; link to paragraph 6.7 below).
- 6.4 In addition it had also become clear that the procedural arrangements agreed in October 2014, when the JCC was reintroduced, were not working. Therefore, at the JCC meeting on 16 May 2016 the current Monitoring Officer presented a report to the committee requesting their approval to make changes which they felt would enhance the ability of the JCC to discuss appropriate matters of importance to all parties in a more structured and timely way. Key changes were:
- Increased frequency of meetings from quarterly to six times a year,

- Agenda to be determined by the Monitoring Officer replicating arrangements for all other Fire Authority meetings and bringing about a degree of independence and rigour, and
- Timings no longer linked to Fire Authority meetings. This would afford representative bodies reasonable time to raise issues and bring considered agenda items forward for discussion.

- 6.5 The JCC approved the recommendations made and changes to the terms of reference were subsequently approved by the Authority (Minute 177 of the Fire Authority meeting held on 19 May 2016 refers. Minute 4 of the JCC meeting held on 16 May 2016 and Minute 2 of the JCC meeting held on 23 November 2016 refer).
- 6.6 At the same JCC meeting (May 2016), the then FBU Regional Secretary reiterated national policy that FBU officials could not sit at the same meeting table as RFU officials without penalty. He did, however, state he was willing to facilitate workshops to navigate discussion on matters that would affect both the FBU and RFU (Minute 4 of the JCC meeting held on 16 May 2016 refer; these Minutes were agreed as an accurate record at the JCC meeting held on 23 November 2016).
- 6.7 Despite the improvements brought about by the changes in scheduling and formatting, the Review Group found that the refusal of the FBU to attend joint FBU/RFU meetings meant that two separate meetings to discuss the same agenda items continued to be necessary.
- 6.8 It was felt by the then Chairman of the Authority that holding two separate meetings did not reflect the inclusive 'One Team Behaviours' ethos of the Service, nor did it constitute a good use of time, effort and resources. The Review Group found evidence that at the meeting held on 12 January 2017, the FBU challenged the joint format of the meeting and after an adjournment two separate meetings were held (in order not to waste the meeting time left available). (Minute 1 of the JCC meeting held on 12 January 2017 refers). Scheduled meetings continued to be held and the Review Group found evidence that meetings took place on 22 February, 2 June and 19 July 2017 although it is clear from the related documents that these meetings only took place because not all three representative bodies were in attendance.
- 6.9 The last formal meeting of the JCC was held on 7 September 2017. Although apologies were received from the UNISON representative on this date, the minutes (Minute 2) state that the then FBU representatives again questioned the format of the meeting and, on receiving an affirmative that it would be a joint meeting, referred those present to the minutes of the meeting in May 2016 (paragraph 6.6 above refers) when the visiting FBU Regional Secretary asserted that the FBU could not sit at the same table as RFU representatives without penalty. They then withdrew from the meeting. This was seen as regrettable by the members present. The FBU responded that this was not a national issue, it was a local resolution caused by its membership.

- 6.10 Although no formal evidence of a local resolution from the membership has been provided, written confirmation of the FBU position was received after the September 2017 meeting and is attached at Appendix 1.

7. Current Position

- 7.1 After the meeting held on 7 September 2017, the last documented interaction of the JCC was an informal meeting on 18 July 2018 when three members met with the then FBU Chairman and the Assistant Chief Fire Officer. There was no evidence that the outcomes of this meeting (finding a mutually agreeable way forward within two weeks and determining the frequency of any meetings) were progressed. This is believed to be due, in part, to a change in key personnel.
- 7.2 The terms of reference for the JCC still form part of the constitutional suite of documents of the Fire Authority and meetings continue to be scheduled six times per annum. The Review Group were made aware that as no way forward for a joint meeting to be held had been found, scheduled meetings are cancelled with a message that, should any representative bodies wish to raise an issue with members, they may contact the Scrutiny and Assurance Manager who will endeavour to arrange a meeting. Since July 2018, to the best of the Review Group's knowledge, no issues have been raised and no meetings have been requested by any of the representative bodies.
- 7.3 As a consequence, the Overview and Scrutiny Committee agreed that a member-led review would be conducted in consultation with representative bodies - specifically the JCC - to find a way forward. This work was started in 2019 but suspended during the pandemic and elections in May 2021. The findings are presented to the Overview and Scrutiny Committee today.

8. Meetings with Representative Bodies/Key Stakeholders

- 8.1 The Review Group met with the three representative bodies separately. All meetings were virtual, positive and cordial. The key points from each are highlighted below.
- 8.2 Meeting with the Fire Brigades Union Representative
- 8.2.1 The Review Group met with George White, a wholetime operational firefighter, who is also the current FBU Brigade Secretary for Cambridgeshire. The position of FBU Brigade Chairman within Cambridgeshire is vacant and Mr White is assisted on FBU matters by a Brigade Organiser, Callum Hodgkin, who is also a wholetime operational firefighter.
- 8.2.2 Although predominantly not directly involved in the matter detailed in paragraph 6, Mr White did acknowledge the difficulties with the JCC. He reiterated they were outside of his control and that, although the JCC is a non-executive decision-making forum, it is still considered formal while he felt an informal method of consultation would be better. He also felt that recent, more dynamic issues, such as the COVID-19 risk assessments, would have benefitted from having this forum available.
- 8.2.3 He requested that the following be considered as part of the review;

- Improved communication channel(s) between representative bodies and Fire Authority Members generally, not just the JCC,
- Regular meetings between representative bodies and the Fire Authority would be massively useful,
- In the absence of a current facility, consider a mechanism whereby representative bodies could speak or have input at Fire Authority meetings, and
- Include a session with representative bodies in any member induction programme.

8.3 Meeting with Fire and Rescue Service Association Representative

8.3.1 The Retained Firefighters Union (RFU) was established in 1976 to promote and protect the interests of retained firefighters across the UK whilst incorporating a no strike policy at the heart of the organisation. It believes that over the past four decades it has fought for members rights and jobs in a professional, constructive and balanced manner using the power of argument, rather than the argument of power. It changed its name to FRSA on 1 July 2018 as part of an evolution, rather than a revolution, to ensure the organisation is viewed as the forward thinking, outward looking, progressive representative body it always has been. As part of its inclusive ethos, wholtime and CFC employees join by choice.

8.3.2 The Review Group met with Mark Milner, an on-call firefighter and FRSA representative.

8.3.3 He was aware that nationally there are fire and rescue services holding joint FBU/FRSA meetings with members and officers.

8.3.4 At the time of the meeting, Mr Milner felt that the JCC was biased towards the FBU concerns and would need assurance that the FRSA would be heard in future forums. He felt that there was a consensus that senior management were not listening to the FRSA – such as with COVID-19 risk assessments.

8.3.5 He felt that it was often difficult for FRSA representatives to meet during normal working hours, and although previous JCC members had met outside of the scheduled meetings, this was the exception. Overall, he felt that the Service was fragmented with poor communications and this was reflected in the (demise) of the JCC.

Review Group comment: The Service ambition is to have a fully engaged workforce and employee engagement surveys were undertaken in 2015 and 2019 with a pulse check in 2017. At that time the data suggested that 66% of the workforce were 100% engaged which is about 22% higher than the national average across emergency services. CFRS will be undertaking another employee engagement survey late 2022.

8.4 Meeting with UNISON Representative

- 8.4.1 The Review Group met with Kevin James, Community Safety Officer – Safeguarding and UNISON representative.
- 8.4.2 Whilst appreciating the reasons given for the inability to meet, Mr James was fully supportive of a joint JCC meeting. He felt that the JCC should meet regardless of the number of agenda items as this would allow dialogue. Although not sighted on the views of the FBU representative, Mr James also made similar comments about interaction with members to those given at paragraph 8.2.3.
- 8.4.3 Since the drafting of this report Mr James has left CFRS; there is currently no UNISON representative within the organisation.

8.5 Meetings with Key Stakeholders

- 8.5.1 The Assistant Chief Fire Officer (ACFO) spoke on behalf of the Chief Officers Group. They believe most Cambridgeshire firefighters are FBU members. This puts them in a position of professional disagreement with FRSA members due to the respective union policies on strike action. Cambridgeshire FBU representatives are also bound by nationally agreed issues such as pay and the expansion of role maps. Many of the nationally agreed issues have a significant organisational impact and they, plus a myriad of other more localised issues, need to be negotiated to assess the level of such impact(s).
- 8.5.2 The ACFO provided the Review Group with details of formal and informal meetings held between the Service and all three representative bodies in which consultation and negotiation on operational matters of national and local importance take place. He believes the Service has a generally positive relationship with representative bodies and noted that recent inspections by external bodies had found examples of regular engagement and evidence of negotiation to resolve concerns (duty system changes), as well as evidence of feedback influencing changes within the organisation (On-Call Standby Policy).
- 8.5.3 Overall, he stated that the Service feels frustrated that the Authority is not able to hold joint JCC meetings as separate meetings were not reflective of the organisational values and behaviours, nor did they represent an efficient use of time.
- 8.5.4 The Monitoring Officer believes that for any JCC meetings to be meaningful and effective they should be structured in line with the other Fire Authority committees; agendas allow for the membership to prepare for the meeting and informed discussion on matters of importance to all parties.

9. Other Considerations/Influences

- 9.1 The Review Group considered the following areas it felt had an influence on the JCC.
- 9.2 **Legal** – The Authority must ensure it is constituted and operates in accordance with the requirements of the Local Government and Housing Act 1989 and the Local Government Act 1972. Changes to the way in which the JCC operated (see paragraph

6) did not alter the Authority's compliance with legal requirements, rather, changes sought to ensure governance arrangements were robust and appropriate.

- 9.3 **Inspections** - Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) inspected the Service in 2018, 2020 (COVID-19) and 2021. In the latest inspection report, the Service was judged to be 'good' across all three key strands of efficiency, effectiveness and people. The Review Group scrutinised the reports further and found commentary that staff and representative bodies had told HMICFRS inspectors that the Service had a positive working culture where staff understand values and required behaviours. The 2021 inspection included a statement that *'the Service continues to have well-defined values that are understood by staff. Behaviours that reflect service values are shown at all levels across the Service. Our staff survey, conducted as part of this inspection, indicates that 98.3 percent of respondents (284 of 289) are aware of the Service's statement of values'*.

The Review Group noted that the next tranche of inspections has been scheduled and CFRS is expecting theirs in March 2023.

- 9.4 **National documents** – Whilst conducting this review, the Review Group had an awareness of the 2013 'Facing the Future' review by Sir Ken Knight, the 2016 Thomas Review, the 2018 Fire and Rescue National Framework for England, the National Fire Chiefs Council People Strategy and the 2021 State of Fire and Rescue – the Annual Assessment of Fire and Rescue Services in England.
- 9.5 **Other fire and rescue services** – Whilst interviewing other organisations was outside of the review's scope, the Review Group conducted open source research, primarily on other fire and rescue service websites and by requesting information directly via the National Fire Chiefs Council Workplace Forum about meetings between representative bodies and members; 989 individuals saw the post and seven commented. Of those, none met with members directly, although two stated that all their representative bodies met with a senior officer to discuss all matters formally and informally in regular, minuted meetings.

Review Group comment: There are stark differences across the sector and therefore it is felt that there is no best practice in this matter. Instead each organisation should facilitate what best suits their needs and values.

- 9.6 **Governance** - The Review Group were satisfied that the governance structure in place ensures members are informed about matters that affect CFRS employees. Further, it found evidence that the Fire Authority has been appropriately involved in decision making and sighted on key aspects of the JCC through democratic processes.
- 9.7 **Horizon scanning** – There are several significant challenges facing the sector in the short to medium term including funding mechanisms and pay pressures. In order to meet these challenges and their potential impacts, forward planning by management and the Authority and effective, two-way communication with all employees will be fundamental.

10. Conclusions

10.1 In light of all the evidence and findings, the Review Group wish to draw the following conclusions;

- Fire Authority members welcome consultation with representative bodies,
- Representative bodies welcome consultation with Fire Authority Members,
- FRSA and UNISON representatives are content to sit at the same table as FBU representatives,
- The FBU's position on the holding of joint meetings is largely based on an FBU National Conference Resolution passed over 20 years ago,
- Historically, the JCC has worked when separate meetings were scheduled,
- The current 'stalemate' position has resulted in the JCC not formally meeting for four and a half years without any apparent detriment,
- No requests to meet with members have been recieved from any of the representative bodies during the absence of the JCC,
- Whilst there is no standard or best practice regarding consultation with representative bodies across the sector, there are examples of joint meetings taking place,
- The cultural change journey within CFRS is ongoing with authentic evidence of adherence to the values and behaviours found,
- There are several challenges facing the sector that will potentially have significant local impacts and navigation through them will require openness, transparency and two-way communication.

11. Options

11.1 In light of all the evidence and findings, the Review Group consider the following options available to the Authority;

- **Option 1** - Continue to schedule (and cancel JCC meetings) whilst working with representative bodies to find a way forward, enabling them all to sit at the same table at the same meeting,
- **Option 2** - Schedule separate FRSA/UNISON meetings and FBU meetings with members,
- **Option 3** - Dissolve the JCC and put in place clearly defined, alternative routes of two-way communication between the Fire Authority and representative bodies that suit the organisational values and behaviours.

12. Recommendations

- 12.1 The Review Group, recognising that the FBU position on joint meetings will not change, feel that the only realistic option to resolve the 'stalemate' whilst adhering to organisational values and behaviours and move forward is **Option 3**.
- 12.2 As there are other members of the JCC that were not directly involved in this review and that approval of the above recommendation would necessitate a change to the Authority constitution, the Review Group suggest that the full Authority membership should agree the most suitable routes of communication, for example, routing written communications through the Fire Authority Chair and requesting meetings with specific members through the Monitoring Officer.
- 12.3 Cognisant of the comments made by the representative bodies at paragraph 8, it is further recommended that whenever a member induction programme is held, time is allocated for a session with representative bodies. In the interim, consideration should be given to including a session at the next available member seminar. The purpose of these sessions would be to introduce key post holders, inform members about the work of their respective unions and highlight key issues.

BIBLIOGRAPHY

Source Documents	Location	Contact Officer
Various	Hinchingbrooke Cottage Brampton Road Huntingdon	Deb Thompson Deb.thompson@cambsfire.gov.uk 07775731629