

NORTH WALES FIRE AND RESCUE SERVICE
FIRE AUTHORITY EXECUTIVE PANEL REPORT

DATE:	31 st January 2005
REPORT BY:	CHIEF FIRE OFFICER
PURPOSE OF REPORT:	New Discipline, Grievance and Capability Policies

1. **INTRODUCTION**

- 1.1 The Office of the Deputy Prime Minister (ODPM) issued Circular 39/2004 on the 27th September, 2004 giving information on the abolition of the Fire Services (Discipline) Regulations 1985 and guidance on actions to be taken once the Fire and Rescue Service Act 2004 came into force. In addition Circular 39/2004 recommended that when introducing new disciplinary procedures consideration should be given to including all employees within the same procedures to ensure all staff received equality of treatment.
- 1.2 The Fire and Rescue Service Act 2004 came into force on 10th November, 2004. One of the effects of this Act is that it repealed Section 17 of the Fire Services Act 1947, under which the Secretary of State was empowered to make regulations for the maintenance of discipline and for appeals against dismissal and other disciplinary action.
- 1.3 The Draft Fire and Rescue Framework for Wales makes it clear that Fire and Rescue Authorities should introduce disciplinary and grievance procedures based on Advisory, Conciliation and Arbitration Services (ACAS) best practice guidance.

Discipline

6.23 The Fire Services (Discipline) Regulations 1985 were abolished with the repeal of the Fire Services Act by the 2004 Act. Fire and rescue services should now implement disciplinary procedures which are based on Advisory, Conciliation and Arbitration Service (ACAS) best practice guidance. (Extract from Draft Fire and Rescue Framework for Wales)

- 1.4 With effect from the 10th November 2004 the Fire Services (Discipline) Regulations 1985 were abolished in Wales. However owing to the challenging timescales involved in establishing these new procedures within Fire and Rescue Services, the National Joint Council for Local Authority Fire and Rescue Services (NJC) agreed that the implementation date for the new discipline and grievance procedures would be the 1st January, 2005 and that existing measures would remain in place until this date.

1. **INTRODUCTION** *(continued)*

- 1.5 During this period the Service has produced new draft Disciplinary, Grievance and Capability Policies which are based on the ACAS Code of Practice (attached as Appendix 1, 2 and 3). Members' attention is drawn to the fact that these draft policies have been produced in consultation with the other two Fire and Rescue Services in Wales and cover all staff categories as opposed to the previous arrangements.
- 1.6 Whilst the requirement to establish Discipline and Grievance Policies was implicit within the pay and modernisation Agreement, the opportunity has also arisen to produce a Capability Policy which provides clarity for both managers and employees of the process to be adopted in dealing with issues surrounding work performance, skill, aptitude and health. Such a policy allows for a fair and transparent approach to be applied to such issues where, in the past, there was a danger that ad-hoc and inconsistent measures could result, thereby not being considered equal and fair. This new Capability Policy is therefore seen as a further enhancement and designed as a framework for both employer (via line managers) and employees for reference purposes.
- 1.7 All trade unions recognised by North Wales Fire and Rescue Authority have been consulted and are in agreement with the procedures contained within these new policies. ACAS have requested an undertaking which they will draft to be signed by all recognised unions and the Deputy Chief Fire Officer as evidence of working together.
- 1.8 All three policies have been designed to be consistent with the new Grey Book, ACAS handbook and assist the Authority to meet its legal obligations under the Employment Rights act 1996. All three policies make best use of the professional training and high levels of competence of Fire and Rescue managers at all levels in dealing with levels of support, hearing and appeal surrounding matters involving discipline, grievance and capability. Members will note that there is a change in responsibilities proposed to the Fire Authority Executive Panel in the hearing of appeals contained within the new procedures. These changes have been fully consulted on and full agreement with the representative bodies has been obtained.
- 1.9 The repeal of the Fire Service (Discipline) Regulations 1985 means that paragraphs 2.3(ii) and 2.3(vii) of the Fire Authority Executive Panel terms of reference fails to have any meaning. Furthermore, there is a change in responsibilities of the Fire Authority Executive Panel proposed within the new procedures to that contained in paragraph 2.3(viii) of the said terms of reference. All changes to the Fire Authority Executive Panel terms of reference are required to be ratified by the whole Fire Authority and will be subject to a report at the next full Fire Authority meeting.

1. **INTRODUCTION** *(continued)*

- 1.10 Members will note that these new policies are applicable to all staff within North Wales Fire and Rescue Service and that officers have been designated within the authority to deal with issues surrounding discipline, grievance and capability issues. In order to commence preparing managers in the new procedures a training and development programme has already commenced and further training is being rolled out to employees over 4 days planned in February with ACAS who have received these documents and will be using them as blueprints for training. Further training with ACAS/solicitors will be programmed dependent on Fire Authority decision.

2. **RECOMMENDATION**

1. That Members note the effect of working together with the trade unions and ACAS training on these policies clearly demonstrates the commitment of North Wales Fire Authority to effective consultation.
2. That Members note that agreement to these policies has been obtained from the recognised trade unions.
3. That Members agree the implementation date of the new Discipline, Grievance and Capability Policies as 1st February, 2005.
4. That members note that there will be a report to the Fire Authority in March on consequential changes to the terms of reference of the Executive Panel.