

WYFRA	HUMAN RESOURCES COMMITTEE	5 July 2013	ITEM No 5
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REPORT OF: Director of Service Support

PURPOSE OF REPORT: Pay settlement update

RECOMMENDATION: Members note the content of this report.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS

EXEMPTION CATEGORY:

ACCESS CONTACT OFFICER: Area Manager Steve Rhodes

BACKGROUND PAPERS OPEN TO INSPECTION:

SUMMARY

This paper reports the Pay settlement and associated amendments to conditions of Service for Operational Firefighters, Control Operators and Retained Firefighters.

1. INTRODUCTION

- 1.1. On 4 June 2013 the National Joint Council for Local Fire and Rescue Services (NJC) announced a 1% pay increase for all staff conditioned to the Grey Book, these being Wholetime Firefighters, Control Operators and Retained Firefighters.

2. INFORMATION

- 2.1. The NJC discussed a number of items and the following decisions were reached.

2.1.1. Mileage rates

Agreement has been reached to replace the current approach to essential and casual user mileage rates with a simple link to approved HMRC rates. This change will be phased in between 1 July 2013 and 1 April 2014. A one-off lump sum payment will be paid to employees on 1 April 2014 who are essential users as at today's date, and remain so with that FRS as at 1 April 2014.

2.1.2. Pay award

An across the board increase of 1% will be applied to basic pay and continual professional development payments with effect from 1 July 2013.

2.2. Pay, terms and conditions discussions

In September 2012 both Sides of the NJC committed to work jointly on changes identified by each Side to ensure that there is a pay framework alongside terms and conditions in the fire and rescue service which reflect the responsibilities of, and current and future demands on, the service and the profession. The original intention had been to conclude this piece of work by June 2013.

Discussions have taken place throughout the period to date and both sides are committed to improving the fire and rescue service across the UK. However, both sides of the NJC recognise:

- the increasing need to consider how the workforce's skills and commitment can best be utilised, including the type of activities undertaken, any additional functions that may be required and the implications of this for the nationally agreed rolemaps
- the potential to build upon, and expand, this piece of work to encompass a more wide-ranging and strategic look to the future. Consideration will include issues covered in the recently published independent review - *Facing the Future* – which was commissioned by DCLG, as well as matters of interest to Scotland, Wales and Northern Ireland.

Accordingly, the NJC has decided not to conclude this work in June but rather to continue with this piece of work in the wider context set out above.

3. FINANCIAL IMPLICATIONS

3.1. Provision for a pay settlement is included in the 2013/14 budget.

3.2 The reduction in the mileage rate from 65p per mile to 47p per mile from 1 July 2013 will result in lower mileage costs for the Authority. Based on 2012 / 13 payments, there would be a projected saving of £32,000 in 2013 / 14.

4. EQUALITY AND DIVERSITY IMPLICATIONS

4.1. There are no Equality and Diversity issues arising from this report

5. SERVICE PLAN LINKS

5.1. This report supports the Strategic Priority "Provide ethical governance and achieve value for money in managing resources".

WYFRA	HUMAN RESOURCES COMMITTEE	5 JULY 2013	ITEM No 6
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REPORT OF: Director of Service Support

PURPOSE OF REPORT: To inform Members of the arrangements for meeting the requirements of the Pensions Act 2008 relating to pensions

RECOMMENDATION: That Members note the contents of this report

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS

EXEMPTION CATEGORY: None

ACCESS CONTACT OFFICER: Pauline Braisher, HR Team Leader
Contact Tel 01274 655811

BACKGROUND PAPERS OPEN TO INSPECTION: None

SUMMARY

This report details the new regulations relating to workplace pensions, the arrangements that need to be put in place to ensure that West Yorkshire Fire and Rescue Authority meets its obligations in relation to pensions auto-enrolment.

1 BACKGROUND

- 1.1. The requirement for employees to be automatically enrolled into a pension scheme was set out in the Pensions Act 2008. The provisions were subsequently amended in the Pensions Act 2011 in an attempt to reduce red tape and cut costs for employers.
- 1.2. The Acts contain a number of measures aimed at encouraging greater private pension savings. From 2012, employers must enrol all eligible workers not already in a good quality workplace scheme into a qualifying workplace pension scheme.
- 1.3. The provisions of the Act are being phased in over a four-year period. The date at which employers are required to implement the auto-enrolment provisions is governed by the size of their payroll. Implementation date is known as the staging date. The earliest staging date was in October 2012.
- 1.4. The Authority's staging date is 1 September 2013.

2 INFORMATION

- 2.1 Employers must automatically enrol eligible workers between the ages of 22 and State Pension Age and earning above the qualifying earnings threshold, which is currently £9,440 pa, into a qualifying workplace pension scheme and make a contribution of at least 3% towards it.
- 2.2 The Local Government Pension Scheme and the Firefighter Pension Schemes have been amended to meet the requirements of auto-enrolment.
- 2.3 Automatic enrolment means instead of choosing whether to join a workplace pension scheme provided by their employer, all eligible workers will have to actively decide not to join, if for any reason they feel this is not a suitable form of personal saving for their situation.
- 2.4 Employers must inform eligible workers that they have been automatically enrolled and that they have the right to opt out if they so wish.
- 2.5 Employees who choose to opt out must be re-enrolled every three years.
- 2.6 Employers need to assess their employees to determine which of the worker types they fall into as at the staging date.
 - a. *An **eligible worker** is an employee aged between 22 and state pension age and earning above the income tax personal allowance (£9,440 in 2013/14). Contributions will be payable on earnings between £5,668 and £41,450.*

Employers must, within one month of the eligibility date, auto-enrol all eligible jobholders from the date they first become eligible (or within a 3 month postponement period) and begin deductions from the first time they are paid after that date

- b. *A **non-eligible worker** is an employee who is aged at least 16 and under 75, and earns above the lower earnings level of qualifying earnings (currently £5,668) but below the earnings trigger for automatic enrolment (£9,440 in 2013/14) Or is aged at last 16 and under 22, or between state pension age and under 75, and earns above the earnings trigger for automatic enrolment (currently £9,440).*

They do not need to be automatically enrolled although they have a right to opt in to an automatic enrolment scheme. The employer must pay contributions should the non-eligible worker elect to join the scheme.

- c. *An **entitled worker** is an employee who is aged at least 16 and under 75, works, or ordinarily works in the UK, and earns **below** the lower earnings level for qualifying earnings (currently £5,668).*

They do not need to be automatically enrolled. However, they have a right to join a pension scheme (this may be different to the scheme the employer uses for automatic enrolment) and if they choose to do so, the employer must arrange membership of a scheme (this is the employer's choice), deduct contributions on the employee's behalf and pay them into the scheme. The employer does not however have to pay contributions.

2.7 Around the time of the staging date, WYFRS will have to communicate directly to every individual employee although this may be done electronically to individual email addresses.

2.8 WYFRS will have to communicate with employees who are already members of the qualifying scheme. They must be provided with information about the scheme of which they are a member. This must be done before the staging date or within two months of staging.

2.9 With regard to those employees who will be affected, communication must take place shortly before automatic enrolment or within one or two months of the staging date depending upon which category they fall into.

2.10 Employers must :

- monitor their personnel and payroll systems each month to check whether any employee becomes an eligible employee.
- keep records for up to six years.
- on each third anniversary of an employee's staging date, repeat the automatic enrolment process.
- must not discourage employees from remaining in the scheme. Therefore we are not allowed to issue opt-out forms, which are now provided by West Yorkshire Pension Fund.

2.11 WYFRS is working closely with Kirklees and West Yorkshire Pension Fund to maximise efficiencies relating to implementation of the Acts' provisions.

3. FINANCIAL IMPLICATIONS

- 3.1. The financial implications of this change are likely to be limited. There may be some increase in cost though additional employer pension contributions if the scheme results in an increase in membership.
- 3.2 In addition there may be a small cost in terms of the additional administrative burden.

4. EQUALITY & DIVERSITY IMPLICATIONS

- 4.1. Although their age and earnings affects how WYFRA employees' status is defined according to the Pensions Act 2008, all WYFRA employees, including those over State Pension Age and under 75, on call firefighters and part-time Green Book workers, will be eligible to join a pension scheme.
- 4.2. Identifying those who are not eligible to be auto-enrolled and inviting them to join a pension scheme in a timely fashion will mitigate disadvantage (resulting from their age, earnings or part-time employment).

5. HEALTH & SAFETY IMPLICATIONS

- 5.1. There are no health and safety implications.

6. SERVICE PLAN LINKS

- 6.1 Provide effective and ethical governance and achieve value for money in managing resources.

7. CONCLUSIONS

- 7.1. Using the Staging Date of 1 September 2013 presents the least risk of not meeting the requirements of the Pensions Act. The major issues of the increased workload for Human Resources and Finance can be managed effectively.

WYFRA	HUMAN RESOURCES COMMITTEE	5 July 2013	ITEM No 7
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REPORT OF: Director of Service Support

PURPOSE OF REPORT: Amendments to the Firefighter' pension Scheme (1992) and New Firefighters' Pension Scheme (2006)

RECOMMENDATION: Members note the content of this report.

A further report is submitted to Committee that identifies the implications arising from the Amendment Orders 2013.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS

EXEMPTION CATEGORY:

ACCESS CONTACT OFFICER: Steve Rhodes

BACKGROUND PAPERS OPEN TO INSPECTION:

<https://www.gov.uk/government/consultations/firefighters-pension-scheme>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/205720/Amendments_to_the_FPS_1992_and_NFPS_2006_-_Equality_Statement.pdf

<http://www.legislation.gov.uk/uksi/2013/1392/contents/made>

<http://www.legislation.gov.uk/uksi/2013/1393/contents/made>

SUMMARY

This paper provides an update on the Department for Communities and Local Governments (DCLG) response to consultation in relation to amendments to the Firefighter' pension Scheme (1992) and New Firefighters' Pension Scheme (2006) and subsequent Amendment Orders 2013.

1. INTRODUCTION

- 1.1. Public service pensions are currently undergoing reforms to make them more sustainable and affordable in the long term, and fair to both the employer and taxpayer. People are living much longer and the average 60 year old is living ten years longer now than they did in the 1970s. This means that the cost of public service pensions, which includes the firefighters' pension scheme, have increased by around a third in real terms over the last ten years to £32 billion a year. Despite recent reforms, most of these increased costs are being met by taxpayers.
- 1.2. On 24 May 2012, DCLG published a Proposed Final Agreement on the scheme design for the Firefighters' Pension Scheme in England to be introduced from April 2015. The Proposed Final Agreement builds on the proposals brought forward by Lord Hutton in his independent report and aims to strike a balanced deal between public service workers and the taxpayer.
- 1.3. Alongside the reforms process, DCLG is also making amendments to both the 1992 and 2006 firefighter pension schemes as part of an ongoing programme of modernisation of the firefighter pension schemes.
- 1.4. On 3 August 2011, DCLG published a consultation paper, that set out a number of proposals in relation to the two firefighters' pension schemes, namely the Firefighters' Pension Scheme (1992) and the New Firefighters' Pension Scheme (2006).

2. INFORMATION

- 2.1. DCLG has considered the comments and evidence provided during the consultation and re-considered its approach to a number of the proposals following consultation responses.
- 2.2. On the 7 June 2013 DCLG published their response to the consultation "Amendments to the Firefighters' Pension Scheme (1992) and New Firefighters' Pension Scheme (2006): summary of responses",
- 2.3. DCLG response to the consultation included comment on the following key areas:
 - Removal of Rule A 14 to compulsory retirement on grounds of efficiency.
 - Change in indexation from Retail Prices Index to indexation under the Pensions Increase Act 1971 for additional pension benefits.
 - Rule B7: Commutation general provision.
 - Amendments to the definition of pensionable pay.
 - Exemptions from payments of pension contributions.
 - Review of Medical Opinion.
 - Appeals on other (non-medical issues).
 - Abatement.
 - Pension tax and other amendments.

2.4. On the 7 June 2013, both Amendment Orders were laid before Parliament to be enacted on 1 July 2013.

2.5. The amendment order made changes to both the 1992 FPS and the 2006 NFPS.

2.6. WYFRS is working with West Yorkshire Pension Fund (Pension administrators for the FPS, NFPS and LGPS) to identify the administrative processes that need to be changed and to identify the impact that the key changes will have for WYFRS.

3. INFORMATION (Proposals that remain outstanding)

3.1. There were proposals consulted on that have not been included in the Amendment Order, they remain outstanding, the key issue is:

3.2. Exemptions from payment of pension contributions.

Some members of the Pension scheme have alleged age discrimination as those members who joined before age 20 must pay pension contributions for over 30 years before having the option to retire, at age 50, without accruing any further pension entitlement.

CLG has reconsidered the legal position in light of responses received and is now of the view that the scheme is unlikely to be discriminatory on the grounds of age.

However, there are arguments for and against the issue and, in order to get legal certainty on the position, CLG now proposes to seek a declaration from the Courts.

4. FINANCIAL IMPLICATIONS

4.1. There will be some significant financial implications arising from the fire fighters pension reform order. These will be addressed as reports on the individual issues are reported to the committee.

5. EQUALITY AND DIVERSITY IMPLICATIONS

5.1. DCLG has completed an equality assessment of the amendments to both pension schemes.

6. SERVICE PLAN LINKS

6.1. This report supports the Strategic Priority "Provide ethical governance and achieve value for money in managing resources"

7. CONCLUSION

7.1. The amendment orders are detailed and technical; a full assessment of the changes and the impacts arising from such changes should be undertaken.

WYFRA	HUMAN RESOURCES COMMITTEE	5 July 2013	ITEM No 8
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REPORT OF: Director of Service Support

PURPOSE OF REPORT: To inform Members of the on-going national research being undertaken by the FireFit Steering Group, the involvement in this research by West Yorkshire Fire and Rescue Service (WYFRS) and the current position in relation to fitness testing within the Authority.

RECOMMENDATIONS: That the paper is noted and that the Director of Service Support provides further reports as and when further information becomes available.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS

EXEMPTION CATEGORY: None

ACCESS CONTACT OFFICER: Mark Dixon
Occupational Health & Safety Manager

BACKGROUND PAPERS OPEN TO INSPECTION: None

SUMMARY

This report informs Members of the on-going research into firefighter fitness standards by the FireFit Steering Group, the expected outcomes and benefits, and the involvement of West Yorkshire Fire and Rescue Service (WYFRS) in this research. An overview of WYFRS' current fitness policy comparisons with the fitness requirements of West Yorkshire Police and the Yorkshire Ambulance Service is also provided.

1. BACKGROUND

- 1.1 Members were informed at 12 April 2013 Human Resources Committee meeting of the content and findings of the 2013 report 'Normal Pension Age for Firefighters – A Review for the Firefighters Pension Committee'.
- 1.2 The Review made a number of recommendations including;
 - The development of agreed fitness standards, both at the point of recruitment and on an on-going basis, supported by training and assessment regimes.
 - To make arrangements for the collection and analysis of data relating to overall firefighter fitness and ill health retirements.

2. INFORMATION

- 2.1. The FireFit Steering Group is a sub group of Chief Fire Officers' Association (CFOA). Its main objective is to provide a forum to identify, communicate and promote best practice pertaining to fitness related issues in the UK Fire and Rescue Service.
- 2.2. The FireFit Steering Group acquired funding to carry out research in collaboration with Bath University to identify the appropriate level of fitness to enable firefighters to safely carry out their role along with a series of practical, safe and legally defensible methods of testing firefighter fitness.
- 2.3. During April 2013, research was undertaken at The Fire Service College where firefighters were subjected to a series of realistic, operational tasks utilising gas analysis to identify the actual demands and subsequent fitness requirements of an operational firefighter.
- 2.4. Two representatives from WYFRS participated in this research.
- 2.5. The Fire Brigades Union nationally withdrew their involvement in the research due to their concerns over the implications of this research on an ageing workforce and the pensionable age debate.
- 2.6. A report is expected to be produced within 12 months on the outcome of this research.
- 2.7. Currently WYFRS carry out a gymnasium based assessment twice a year (during March and September). This tests the levels of aerobic fitness, strength, and core stability; these are the elements required to perform the role of a firefighter safely. A standard of 42 ml/kg/min is required. Personnel achieving less than 35 ml/kg/min are removed from operational duties until such time as they have improved.
- 2.8. 97.3% (1314) of all grey book personnel achieved 42 ml/kg/min in the March 2013 assessments. 3.59% (35) achieved between 35 and 42 ml/kg/min. 0.2% (3) achieved less than 35 ml/kg/min.

- 2.9. All personnel with a level of less than 42 ml/kg/min are given a performance improvement plan and support from the Authority Fitness Advisor or Watch Fitness Advisor to achieve 42 ml kg/min.
- 2.10. Yorkshire Ambulance Service does not require a level of fitness to be maintained by their paramedics and ambulance technicians. HART personnel are required to carry out a timed realistic scenario, biannually.
- 2.11. West Yorkshire Police currently have no fitness assessment in place post entry. However, the recently published Winsor report made such recommendations.

3. FINANCIAL IMPLICATIONS

- 3.1. There are no financial implications arising from this report.

4. EQUALITY AND FAIRNESS IMPLICATIONS

- 4.1. The outcomes of the FireFit Steering Group research may raise equality issues related to the protected characteristics of gender and age. Equality analysis would inform WYFRS' decision-making with regard to its approach for measuring and testing firefighter fitness.

5. HEALTH AND SAFETY IMPLICATIONS

- 5.1. Contained within the report

6. CONCLUSIONS

- 6.1. The main concern of WYFRS is to promote and maintain a fit and healthy workforce.
- 6.2. Firefighters are required to be aerobically fit for the demands of their role.
- 6.3. Outcomes of the FireFit Steering Group research may influence the way WYFRS measure and test the required standard of firefighter fitness.

WYFRA	HUMAN RESOURCES COMMITTEE	5 July 2013	ITEM No 9
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REPORT OF: Director of Service Support

PURPOSE OF REPORT: To update Members on the Government's review of the Public Sector Equality Duty.

RECOMMENDATION: That the report be noted and that Members continue to monitor and scrutinise how the Authority meets its equality duties.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS

EXEMPTION CATEGORY: None

ACCESS CONTACT OFFICER: Kym L Brearley
Corporate Diversity Officer

BACKGROUND PAPERS OPEN TO INSPECTION: None

SUMMARY

This paper provides an update on the Review of the Public Sector Equality Duty (PSED), commissioned by the Government.

1. INTRODUCTION

- 1.1 Following the introduction of the Equality Act in 2010, Fire and Rescue Authorities were placed under a legal responsibility to comply with the Public Sector Equality Duty (PSED), across 9 protected characteristics. In May 2012, the Government commissioned a review of the PSED. This paper gives an update on the Review's findings to date.

2 BACKGROUND

- 2.1 The 2010 Equality Act introduced a General and Specific Duty across 9 protected characteristics (known as the Public Sector Equality Duty or PSED). Fire Authorities are required to "have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities."
- 2.2 The Government has suggested that compliance with the PSED places an unnecessary bureaucratic burden on public authorities. A PSED Review Steering Group led by Rob Hayward OBE was established in May 2012 to identify:
- how well understood the PSED and guidance is;
 - the costs and benefits of the PSED;
 - how organisations are managing legal risk and ensuring compliance with the PSED;
 - what changes, if any, would ensure better equality outcomes (e.g. legislative, administrative and/or enforcement changes).

3 INFORMATION

- 3.1 The Steering Group has held roundtable discussions with (i) the voluntary and community sector, (ii) trade unions, (iii) legal advisors to public bodies, (iv) disability and race stakeholders, (v) equality and diversity practitioners from the public sector, (vi) claimant lawyers and (vii) private/voluntary and community sector contractors for public sector contracts. It has received over 100 responses to the open call for evidence on the gov.uk web site.
- 3.2 They have been particularly interested in reviewing examples of paperwork relating to, for example, equality analysis and public sector procurement processes.
- 3.3 They have also reviewed the number of judicial review cases brought that involve the PSED, and considered how equality is mainstreamed outside the UK.
- 3.4 They have discussed concerns relating to whether or not:
- compliance with the PSED leads to proactive promotion of equality and good consultation/engagement;
 - public bodies are taking a joined up approach across policy areas;
 - compliance is being interpreted in a bureaucratic, risk-averse, process-heavy way.

3.5 Steering Group Members have recognised that "...there would be a high level of resistance to changing the PSED in both Wales and Scotland."

3.6 The Equality and Diversity Forum (EDF) is one of the groups which has submitted evidence to the Review. The EDF's evidence gives a representative view of the key points mainstream equality practitioners have raised about the Review. A summary of its submission can be found in Appendix 1.

EDF members and signatories to the EDF evidence include: (i) Action on Hearing Loss, (ii) Age UK, (iii) Citizens Advice, (iv) MIND, (v) RNIB, (vi) Runnymede Trust, (vii) Stonewall, (viii) the TUC, (ix) UNISON, and (x) Macmillan Cancer Support.

3.7 The Review is estimated to complete by June 2013.

4 FINANCIAL IMPLICATIONS

4.1 There are no financial implications associated with this report.

5 EQUALITY AND DIVERSITY IMPLICATIONS

5.1 This is a report about the Public Sector Equality Duty.

6 SERVICE PLAN LINKS

6.1 This report relates to the following Priorities:

- Provide a safe, competent and diverse workforce.

7 CONCLUSIONS

7.1 The Steering Group findings and potential implications for the Authority will be reported once they are made publicly available.

8 RECOMMENDATION

8.1 That Members continue to monitor and scrutinise how the Authority meets its equality duties.

APPENDIX 1: EQUALITY AND DIVERSITY FORUM SUBMISSION TO THE GOVERNMENT'S EQUALITY DUTY REVIEW¹

Summary

- The Equality Duty is neither a luxury nor red tape. It is a practical tool for modern government and one that is particularly useful during times of austerity - such as we are currently experiencing. The duty is an effective and efficient way of operating that allows public bodies to recognise people's different needs, make the best use of limited resources can help us achieve... about not losing sight of original reason for duty, Stephen Lawrence, vision of fairer society that duty and achieve better outcomes for all their users.
- Because the current Equality Duty only came into force in April 2011, it is too early to measure or assess its impact. Time is needed for the Equality Duty to become fully embedded within organisations' working processes. As yet there is very little information about its impact on outcomes in relation to age, religion or belief and sexual orientation, which were not previously covered by an equality duty. However, there is evidence of the benefits that the 'old' race, disability and gender duties generated, including how equality duties can help public bodies to make difficult spending decisions on a better-informed basis that encompasses equality considerations.
- The Equality Duty is not a panacea for all the shortcomings of society; it is an important lever but leadership, skills and knowledge within organisations are just as significant.
- The Equality Duty should work as a tool that helps public bodies to deliver their services fairly and more accurately. Commercial organisations routinely gather and use information about their customers and target markets to help them to produce goods or services that meet their customers' needs: the equality duty prompts public bodies to do likewise. When difficult choices have to be made about the allocation of resources there is a significant risk that groups of people with protected characteristics will be disproportionately affected unless active consideration is given to making cuts as fairly as possible.
- Due regard, which is central to the duty, is an inherently proportional concept. It requires public bodies to consider equalities issues in a proportionate manner and not in an excessive or irrelevant way. However, there appears to be some confusion about what it means in practice, and this has been exacerbated by recent government comments about what equality impact assessment means and whether it is beneficial or required. For example, it is becoming common to paraphrase 'due regard' as 'giving consideration to equality' even though case law indicates that the general duty requires more than this.
- It is important that the Duty is designed, implemented and supported in such a way that it has the greatest possible impact on equality outcomes. This may challenge public bodies to do better but that should not be a burden.
- Public authorities need appropriate guidance to ensure that they do not adopt risk-averse practices, such as collecting more information than they really need or not putting data they have collected to good use. If there is evidence of public bodies taking inappropriate actions in the mistaken belief that these are required, the response should focus on strengthening understanding of what needs to be done rather than on changing the actual requirements.

¹ The Equality and Diversity Forum (EDF) is a network of national organisations committed to equal opportunities, social justice, good community relations, respect for human rights and an end to discrimination based on age, disability, gender and gender identity, race, religion or belief, and sexual orientation. Further information about its work is available at www.edf.org.uk

There is much that could be done to improve understanding and strengthen implementation of the Equality Duty and thus to maximise the benefits both for public bodies and for those who still face inequality of opportunity. The key elements are:

- Positive and visible leadership from elected and management leaders that focuses on goals and outcomes that will advance equality of opportunity.
- Decision making that takes robust but proportionate account of the likely impact of a decision on the three goals of the Equality Duty.
- Action to make sure that organisations have the capacity to implement the Equality Duty effectively.
- Clear equality outcomes and objectives that an organisation commits itself to achieving and that inform its business planning. These should reflect priorities that are based on evidence and community engagement.
- Active engagement with the service users, residents and employees, particularly those from protected groups. This is likely to lead to better quality and more appropriate decision making.
- Active use of qualitative and quantitative evidence to inform understanding of the likely impact of policy, service and employment decisions. Collecting information is not an end in itself but must inform action.
- Openness and transparency, including clear and publicly available information about the progress a public body is making towards achieving the Equality Duty's three goals.
- Regulatory regimes that have equality and diversity embedded in their assessment criteria and are assessed rigorously.
- A statutory Code of Practice giving authoritative, concise guidance on what the duty requires.

WYFRA	HUMAN RESOURCES COMMITTEE	5 July 2013	ITEM No 10
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REPORT OF: Director of Service Support

PURPOSE OF REPORT: To present the 2013-14 Corporate Equality and Diversity Action Plan to ensure compliance with the Public Sector Equality Duty.

RECOMMENDATION: Members approve the 2013-14 Corporate Equality and Diversity Action Plan and continue to monitor and scrutinise how the Authority meets its equality duties

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS

EXEMPTION CATEGORY: None

ACCESS CONTACT OFFICER: Kym L Brearley 01274 655815
Corporate Diversity Officer

BACKGROUND PAPERS OPEN TO INSPECTION: None

SUMMARY

This paper requests approval to publish the Corporate Equality and Diversity Action Plan 2013-2014. The Corporate Equality and Diversity Action Plan supports the delivery of the Service Plan Action Plan 2013-2014 and ensures the Authority complies with the Public Sector Equality Duty.

1. INTRODUCTION

- 1.1 Public authorities listed in Schedule 1 and 2 of the Equality Act 2010 (Specific Duties) Regulations 2011 are required to prepare and publish at least every four years "...one or more objectives that should achieve any of the things listed in the General Equality Duty". The objectives must be published in such a manner that they are accessible to the public.

2 BACKGROUND

- 2.1 The 2010 Equality Act introduced a General and Specific Duty across the 9 protected characteristics. The Specific Duty, which came into effect on the 1 July 2011, set a range of legal responsibilities on public authorities, including the requirement to publish at least one objective.
- 2.2 The Authority's objectives were first published in the Corporate Equality and Diversity Action Plan for 2011-2012, and once a year subsequently.

3 INFORMATION

- 3.1 The General Duty requires public authorities, in the exercise of their functions, to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act;
 - Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
 - Foster good relations between people who share a relevant protected characteristic and people who do not share it.
- 3.2 WYFRA, as a public authority listed in Schedule 1 and 2 of the Equality Act 2010 (Specific Duties) Regulations 2011, is required to:
- Prepare one or more objectives that should achieve any of the things listed in the general equality duty.
 - Publish them by 6 April 2012 and at least every four years thereafter.
 - Ensure the objectives are specific and measurable.
 - Publish those objectives in such a manner that they are accessible to the public.
- 3.3 The requirement to set objectives aims to encourage authorities to focus on achieving equality outcomes. In doing so, authorities will clearly demonstrate they meet the requirements of the general equality duty.
- 3.4 Guidance from the regulator (the Equality and Human Rights Commission) recommends:
- That their number and how stretching they are should depend on the size and role of the authority i.e. a proportionate approach should be taken when setting them; They focus on the organisation's priority equality issues, to deliver improvements in policy-making, service delivery and employment;

- They are developed as part of normal business planning. This demonstrates equality issues are mainstreamed into day-to-day activities and not simply a 'bolt-on'.

The Corporate E&D Action Plan is written specifically with this guidance in mind. It has direct links to, and supports the delivery of the annual Action Plan.

3.5 Delivery of the Corporate E&D Action Plan is monitored by the Corporate Driving Diversity Board.

3.6 The Plan will be published on www.westyorksfire.gov.uk.

4 FINANCIAL IMPLICATIONS

4.1 There are no financial implications associated with this report.

5 EQUALITY AND DIVERSITY IMPLICATIONS

5.1 This is evidence to show compliance with the PSED.

6 SERVICE PLAN LINKS

6.1 This report relates to the following Priority:

- Provide a safe, competent and diverse workforce.


7 CONCLUSIONS

7.1 Publication of objectives and reporting to Members ensures the Authority complies with its equality duties.



8 RECOMMENDATION

8.1 Members approve the 2013-14 Corporate Equality and Diversity Action Plan and continue to monitor and scrutinise how the Authority meets its equality duties.


APPENDIX 1: CORPORATE EQUALITY AND DIVERSITY ACTION PLAN 2013-2014

DELIVER A PROACTIVE FIRE PREVENTION AND PROTECTION PROGRAMME		
	<p><u><i>We will:</i></u> Implement the Home Fire Safety Strategy which has been piloted in Bradford District across all of West Yorkshire</p>	<p><u><i>Our action:</i></u> Continue to identify, collect and analyse data/information about our local community and their changing needs, in order to improve service outcomes.</p> <p>Where risk is very high/high, we will, through targeted action, reduce the severity and likelihood of risks experienced by vulnerable individuals/groups. This includes people who:</p> <ul style="list-style-type: none"> • have poor mobility, • undertake unsafe smoking practices, • have mental ill health issues, • have unsafe cooking practices, • have an alcohol or drug dependency, • have specific housekeeping issues (such as hoarding, maintaining good hygiene levels), • live alone, • have medical oxygen systems in their homes, • have visual or aural impairment, • don't use English as their first language. <p>Develop and evaluate the effectiveness of specific partnerships/ friendship schemes or resource packages that target individuals or groups deemed to be high/very high risk, such as those with dementia.</p>
	<p>Implement a competence based fire prevention training programme for operational staff</p>	<p>Continue to deliver Service Delivery Community Guidance on West Yorkshire communities</p>

	Deliver specific fire safety campaigns to reflect the Integrated Risk Management Plan fire cover changes	Deliver and evaluate the effectiveness of fire safety campaigns produced in partnership with community members and partners, including the Third Sector.
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DELIVER A PROFESSIONAL AND RESILIENT EMERGENCY RESPONSE SERVICE		
	<i>We will:</i> _____ Implement the Day Crewing system at Garforth, Rothwell and Morley Fire Stations	<i>Our action:</i> _____ _____ Ensure equality analysis is carried out to inform the design, delivery and outcomes from the Day Crewing project.
	Develop a user specification for new Mobile Data Terminals	Ensure disability-related issues are taken into account.
PROVIDE A SAFE COMPETENT AND DIVERSE WORKFORCE		
	<i>We will:</i> _____ Review ways of working and provide an improvement strategy	<i>Our action:</i> _____ Implement innovative working practices that deliver equality outcomes for the whole workforce, such as flexible working. Monitor and take action to ensure a zero tolerance approach is taken towards inappropriate behaviour in the workplace.
	Update the fitness policy following the outcomes of the national FireFit Steering Group Review	Ensure equality analysis is carried out as part of the Policy update.

	Complete an internal assessment to measure the Authority against the Excellent Level of the Fire and Rescue Service Equality Framework	Use the Framework as a self-assessment tool to deliver equality improvements across the Authority.
	Commence sustainable recruitment for retained duty system Firefighters	Identify opportunities to deliver equality outcomes throughout the process, from attraction through to retention.

PROVIDE EFFECTIVE AND ETHICAL GOVERNANCE AND ACHIEVE VALUE FOR MONEY IN MANAGING RESOURCES		
	<p><i>We will:</i> _____</p> <p>Replace Rothwell fire station</p>	<p><i>Our action:</i> _____</p> <p>Ensure Equality Analysis is an integral part the specification, design and use of the station.</p>
	Complete the Service Delivery Centre incorporating the new Control and the Service Delivery functions	Corporate Diversity to continue to be part of Project groups.
	Introduce an electronic procurement and ordering system to facilitate a more efficient way of working within the organisation	Ensure disability-related issues are taken into account.

WYFRA	HUMAN RESOURCES COMMITTEE	5 JULY 2013	ITEM No. 11
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REPORT OF: Director of Service Support

PURPOSE OF REPORT: Sickness Absence to the end of March 2013 and Personnel Activity to the end of May 2013

RECOMMENDATIONS: 1. That Members approve amendments to establishment
2. That Members note content of report

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS

EXEMPTION CATEGORY: None

ACCESS CONTACT OFFICER: Steve Rhodes (01274) 655704

OPEN TO INSPECTION: None

Summary

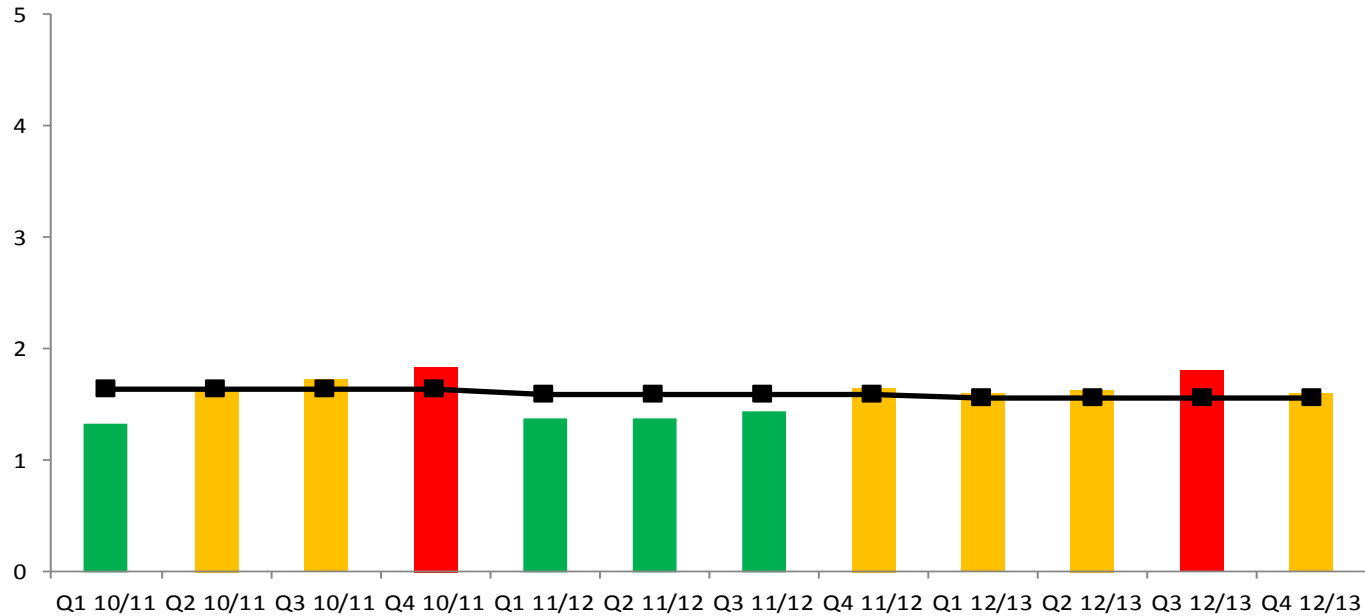
This report informs Members of the Authority's key areas relating to Human Resources for 2013 / 2014.

1. SICKNESS ABSENCE – WORKING DAYS LOST PER EMPLOYEE 1 APRIL 2010 – 31 MARCH 2013

■ Green indicates achieving or exceeding target
 ■ Amber indicates satisfactory performance (within 10% of target)
 ■ Red indicates not achieving target

1,758 employees as at 31 March 2013

BY QUARTERS

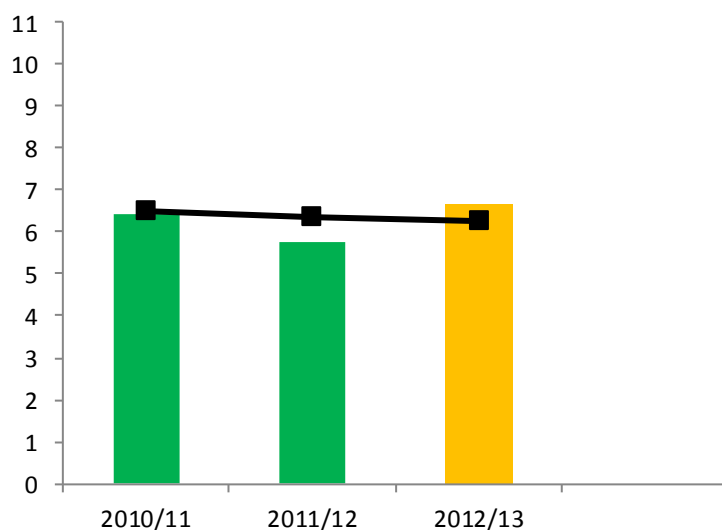


	Q1 10/11	Q2 10/11	Q3 10/11	Q4 10/11	Q1 11/12	Q2 11/12	Q3 11/12	Q4 11/12	Q1 12/13	Q2 12/13	Q3 12/13	Q4 12/13
Ops Response	1.30	1.54	1.55	1.55	1.34	1.27	1.41	1.62	1.50	1.62	1.70	1.50
Ops Support	0.64	0.30	2.39	3.64	1.74	1.59	0.21	0.84	1.99	1.30	0.73	2.50
Prev & Prot	2.51	2.31	3.07	3.37	1.13	1.62	1.84	2.64	2.56	2.53	5.15	4.28
Corp Res	1.55	2.92	1.92	2.54	1.35	1.85	1.88	2.15	2.46	2.01	2.19	2.08
Corp D & T	0.36	0.42	0.51	1.56	1.01	1.41	1.09	1.60	0.74	0.74	1.68	2.20
Service Support	0.46	1.63	2.08	2.16	1.94	1.89	1.62	1.23	1.57	1.53	1.47	1.03
Finance	0.00	3.44	0.00	4.33	1.56	4.56	1.50	1.11	0.11	0.25	0.69	0.88
FSHQ	4.29	1.27	0.00	0.33	0.00	0.00	0.00	0.00	0.00	0.23	0.24	0.00
Total	1.33	1.64	1.72	1.84	1.38	1.38	1.44	1.64	1.59	1.63	1.81	1.60
Target	1.63	1.63	1.63	1.63	1.59	1.59	1.59	1.59	1.56	1.56	1.56	1.56

SICKNESS ABSENCE – WORKING DAYS LOST PER EMPLOYEE 1 APRIL 2010 – 31 MARCH 2013

1,758 employees as at 31 March 2013

BY YEARS



	2010/11	2011/12	2012/13
Ops Response	5.89	5.56	6.37
Ops Support	6.44	4.01	6.26
Prev & Prot	10.62	6.88	14.72
Corp Res	8.90	7.21	8.72
Corp D & T	2.92	5.24	5.39
Service Support	6.30	6.83	5.59
Finance	7.78	8.72	1.94
FSHQ	5.86	0.00	0.47
Total	6.44	5.75	6.66
Target	6.50	6.37	6.25

Further Information

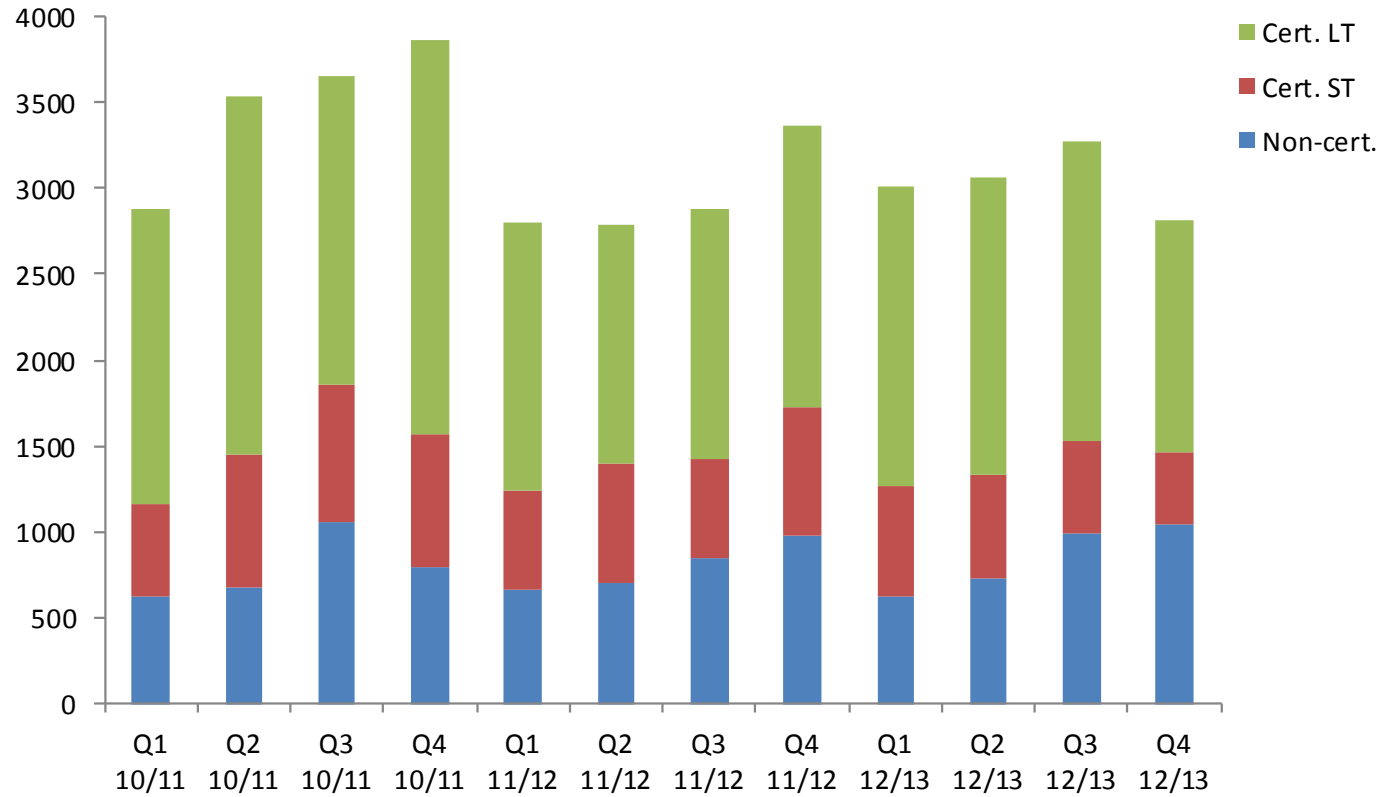
The year end results are slightly above the target set for 2012/13. In general a large proportion of sickness absence in the first half of 2012/13 was due to long term certified sickness, the individual cases are being managed between the departments and in conjunction with the Authority Medical Advisor. It is worth noting that a number of personnel who have had long term sickness are no longer employed by WYFRS.

Further analysis and management of sickness will continue with patterns being discussed with departmental managers.

SICKNESS ABSENCE – DAYS LOST 1 APRIL 2010 – 31 MARCH 2013

BROKEN DOWN INTO LONG-TERM, SHORT-TERM AND NON-CERTIFIED SICKNESS

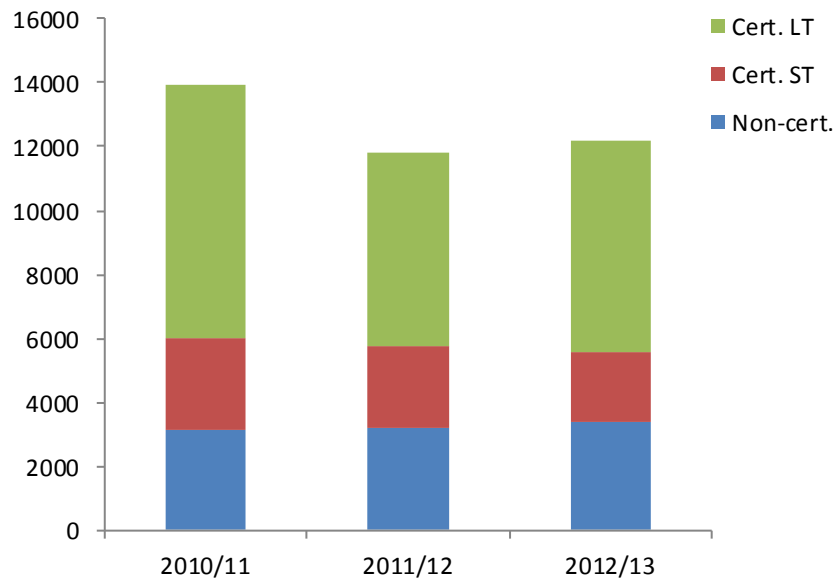
BY QUARTERS



SICKNESS ABSENCE – DAYS LOST 1 APRIL 2010 – 31 MARCH 2013

BROKEN DOWN INTO LONG-TERM, SHORT-TERM AND NON-CERTIFIED SICKNESS

BY YEARS



Further Information

Overall the trend is a reduction in sickness absence - all categories of sickness with the exception of non-certificated short term sickness are showing a reduction.

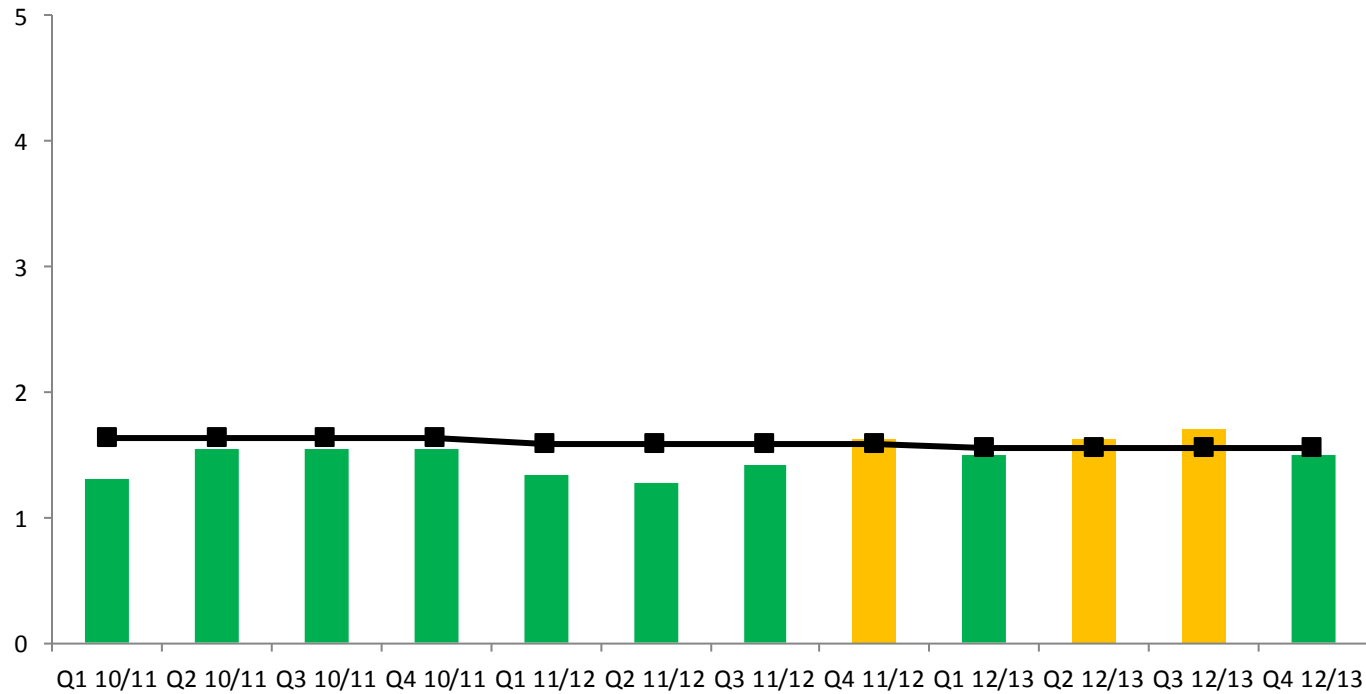
A number of personnel contributing to the long term certificated sickness figures are no longer employed by WYFRS.

It is noticeable that the majority of sickness results are from long-term sickness which is being managed in conjunction with the Authority Medical Advisor.

1.1 SICKNESS ABSENCE – OPERATIONS RESPONSE

1,380 employees as at 31 March 2013

BY QUARTERS

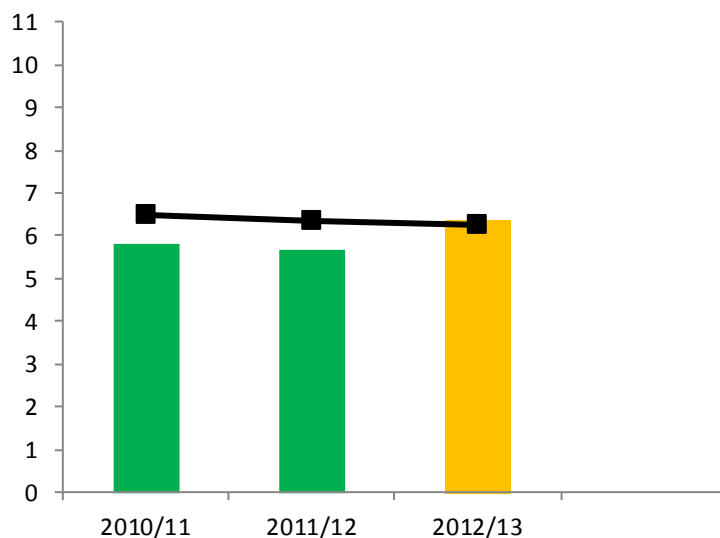


	Q1 10/11	Q2 10/11	Q3 10/11	Q4 10/11	Q1 11/12	Q2 11/12	Q3 11/12	Q4 11/12	Q1 12/13	Q2 12/13	Q3 12/13	Q4 12/13
Districts	1.32	1.59	1.57	1.61	1.39	1.30	1.48	1.60	1.48	1.54	1.66	1.48
MACC	0.95	0.89	1.33	0.82	0.64	0.88	0.52	2.07	2.46	3.26	3.32	1.98
Total	1.30	1.54	1.55	1.55	1.34	1.27	1.41	1.62	1.50	1.62	1.70	1.50
Target	1.63	1.63	1.63	1.63	1.59	1.59	1.59	1.59	1.56	1.56	1.56	1.56

SICKNESS ABSENCE – OPERATIONS RESPONSE

1,380 employees as at 31 March 2013

BY YEARS



	2010/11	2011/12	2012/13
Districts	6.03	5.68	6.18
MACC	4.07	3.87	11.03
Total	5.89	5.56	6.37
Target	6.50	6.37	6.25

Further Information

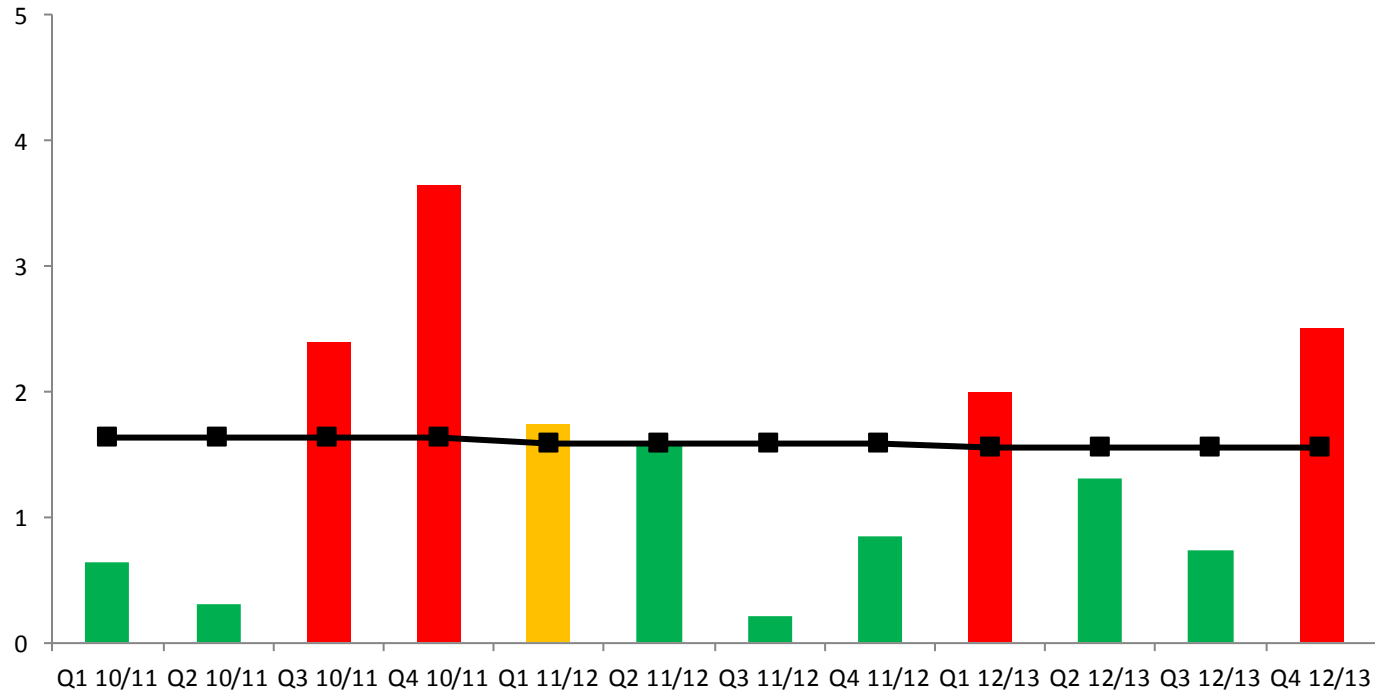
The Mobilising and Communication Centre (MACC) has had the largest number of days of sickness per person, the majority of the staff in MACC have had at least one period of sickness so far in 2012/13.

A large proportion of the sickness in MACC can be attributed to 4 individuals who have been absent on long-term sick, 1 of which is no longer employed by WYFRS. The sickness of these individuals and others is being managed in conjunction with the Authority Medical Advisor. This has resulted in improvements being made in comparison to previous years.

1.2 SICKNESS ABSENCE – OPERATIONS SUPPORT

14 employees as at 31 March 2013

BY QUARTERS

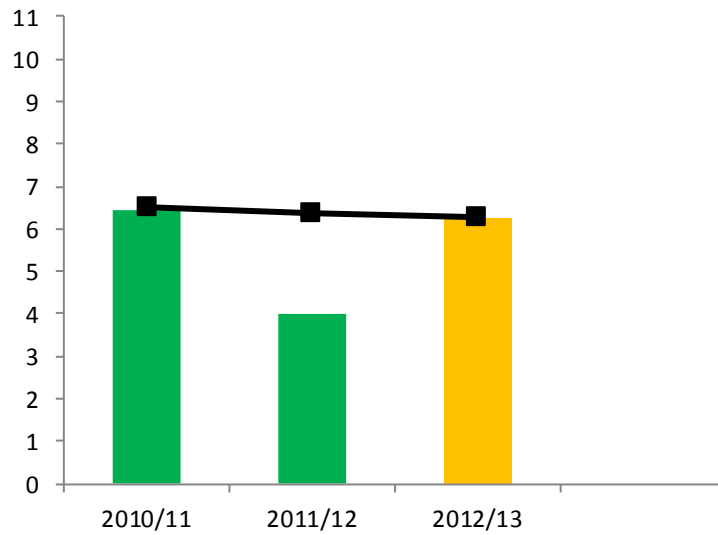


	Q1 10/11	Q2 10/11	Q3 10/11	Q4 10/11	Q1 11/12	Q2 11/12	Q3 11/12	Q4 11/12	Q1 12/13	Q2 12/13	Q3 12/13	Q4 12/13
Total	0.64	0.30	2.39	3.64	1.74	1.59	0.21	0.84	1.99	1.30	0.73	2.50
Target	1.63	1.63	1.63	1.63	1.59	1.59	1.59	1.59	1.56	1.56	1.56	1.56

SICKNESS ABSENCE – OPERATIONS SUPPORT

14 employees as at 31 March 2013

BY YEARS

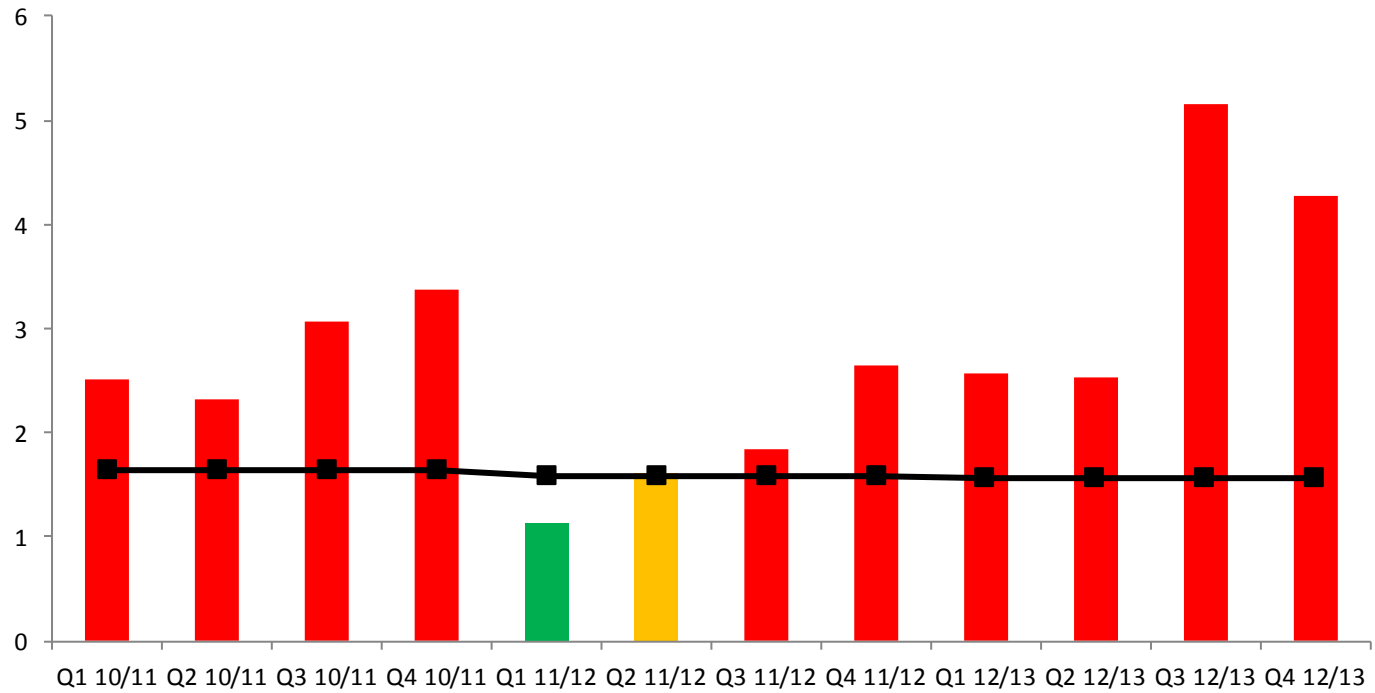


	2010/11	2011/12	2012/13
Total	6.44	4.01	6.26
Target	6.50	6.37	6.25

1.3 SICKNESS ABSENCE – PREVENTION & PROTECTION

80 employees as at 31 March 2013

BY QUARTERS

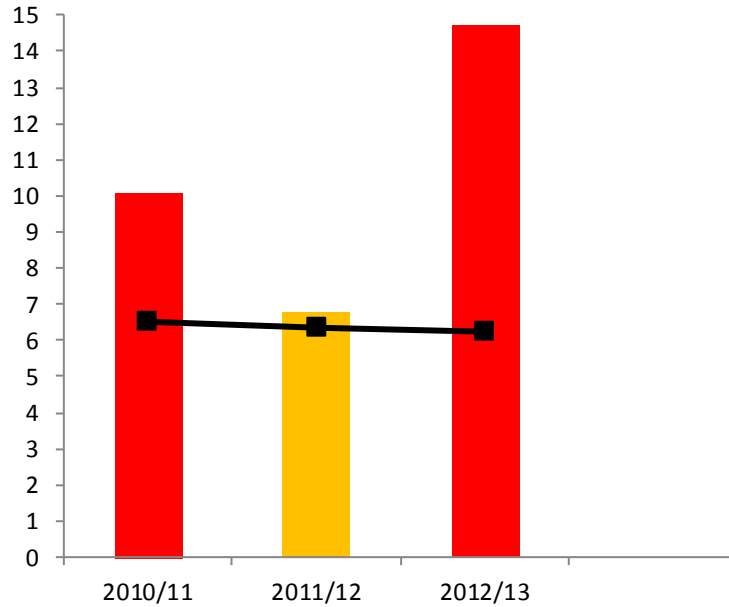


	Q1 10/11	Q2 10/11	Q3 10/11	Q4 10/11	Q1 11/12	Q2 11/12	Q3 11/12	Q4 11/12	Q1 12/13	Q2 12/13	Q3 12/13	Q4 12/13
Prevention	3.68	3.69	3.62	4.24	1.42	2.31	2.52	0.28	2.13	2.04	7.56	7.16
Protection	1.41	0.98	2.50	2.47	1.00	1.33	1.55	3.75	2.75	2.75	3.38	2.03
Total	2.51	2.31	3.07	3.37	1.13	1.62	1.84	2.64	2.56	2.53	5.15	4.28
Target	1.63	1.63	1.63	1.63	1.59	1.59	1.59	1.59	1.56	1.56	1.56	1.56

SICKNESS ABSENCE – PREVENTION & PROTECTION

80 employees as at 31 March 2013

BY YEARS



	2010/11	2011/12	2012/13
Prevention	14.84	6.19	19.25
Protection	6.66	7.19	11.01
Total	10.62	6.88	14.72
Target	6.50	6.37	6.25

Further Information

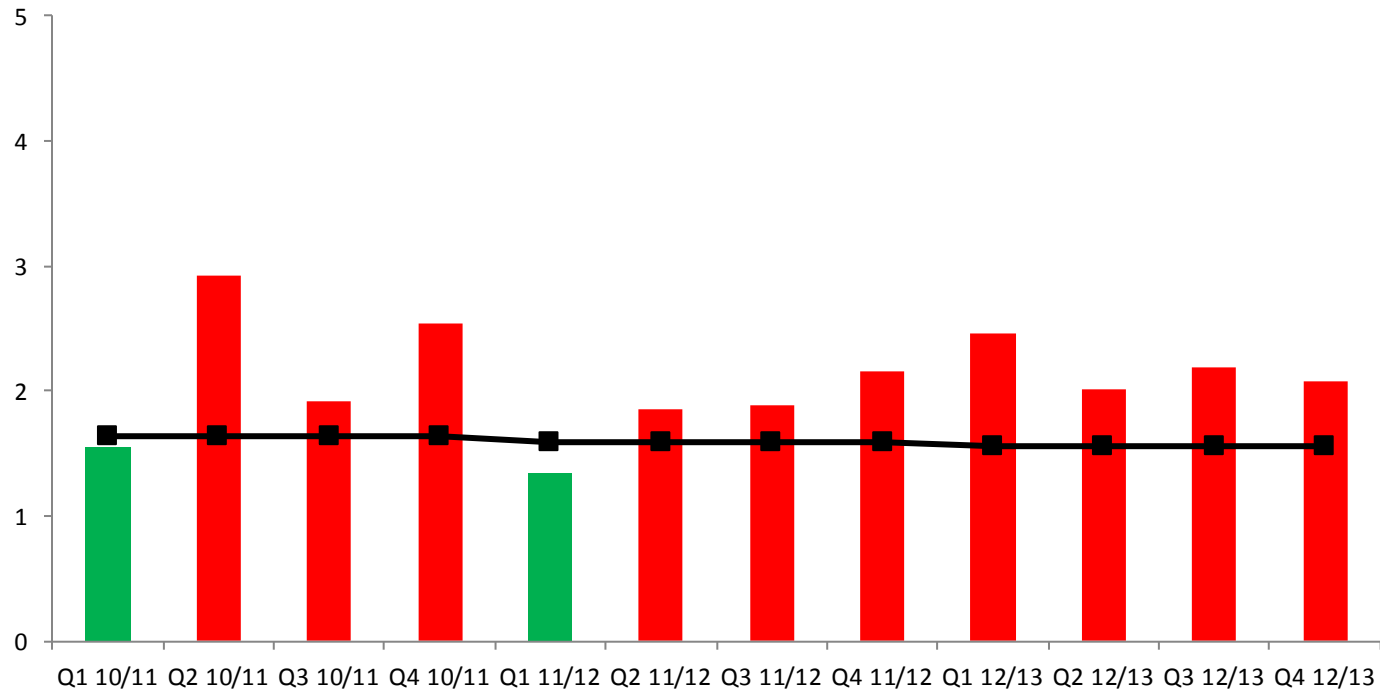
The year end results for 2012/13 identify that the level of sickness in Prevention and Protection has not achieved the target.

76% of the sickness was due to 12 individuals on long-term sickness, of which 5 are no longer employed by WYFRS. Currently the sickness of the remaining 7 individuals is being managed in conjunction with the Authority Medical Advisor.

1.4 SICKNESS ABSENCE – CORPORATE RESOURCES

67 employees as at 31 March 2013

BY QUARTERS

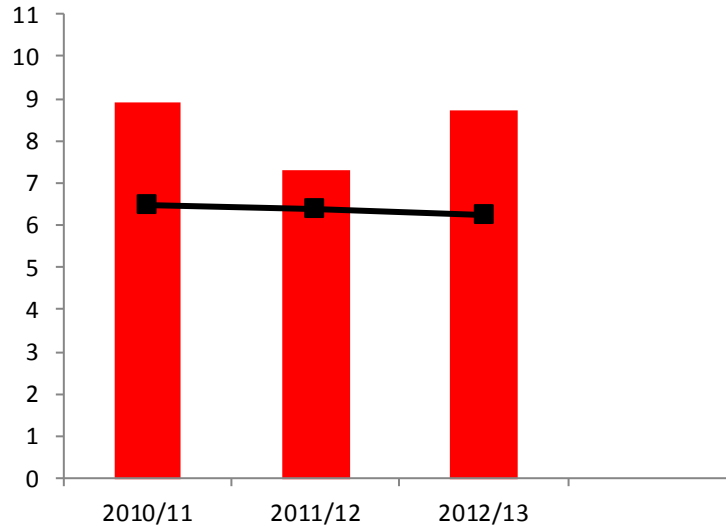


	Q1 10/11	Q2 10/11	Q3 10/11	Q4 10/11	Q1 11/12	Q2 11/12	Q3 11/12	Q4 11/12	Q1 12/13	Q2 12/13	Q3 12/13	Q4 12/13
Corp Services	1.17	2.23	2.44	1.04	1.42	1.40	2.39	2.20	1.04	0.74	3.27	3.19
Transport & Logistics	0.13	0.63	2.18	3.62	1.21	1.39	1.65	2.35	3.19	2.81	2.91	2.54
Comm & Admin	5.73	15.66	0.86	4.30	2.80	4.40	0.50	0.00	2.77	1.18	0.00	0.58
Property	4.05	2.55	0.50	0.00	0.35	2.30	3.00	3.59	2.33	2.22	0.38	0.50
Total	1.55	2.92	1.92	2.54	1.35	1.85	1.88	2.15	2.46	2.01	2.19	2.08
Target	1.63	1.63	1.63	1.63	1.59	1.59	1.59	1.59	1.56	1.56	1.56	1.56

SICKNESS ABSENCE – CORPORATE RESOURCES

67 employees as at 31 March 2013

BY YEARS



	2010/11	2011/12	2012/13
Corp Services	7.02	7.21	8.42
Transport & Logistics	6.58	6.61	11.40
Comm & Admin	24.73	7.70	4.54
Property	7.05	9.24	5.43
Total	8.90	7.21	8.72
Target	6.50	6.37	6.25

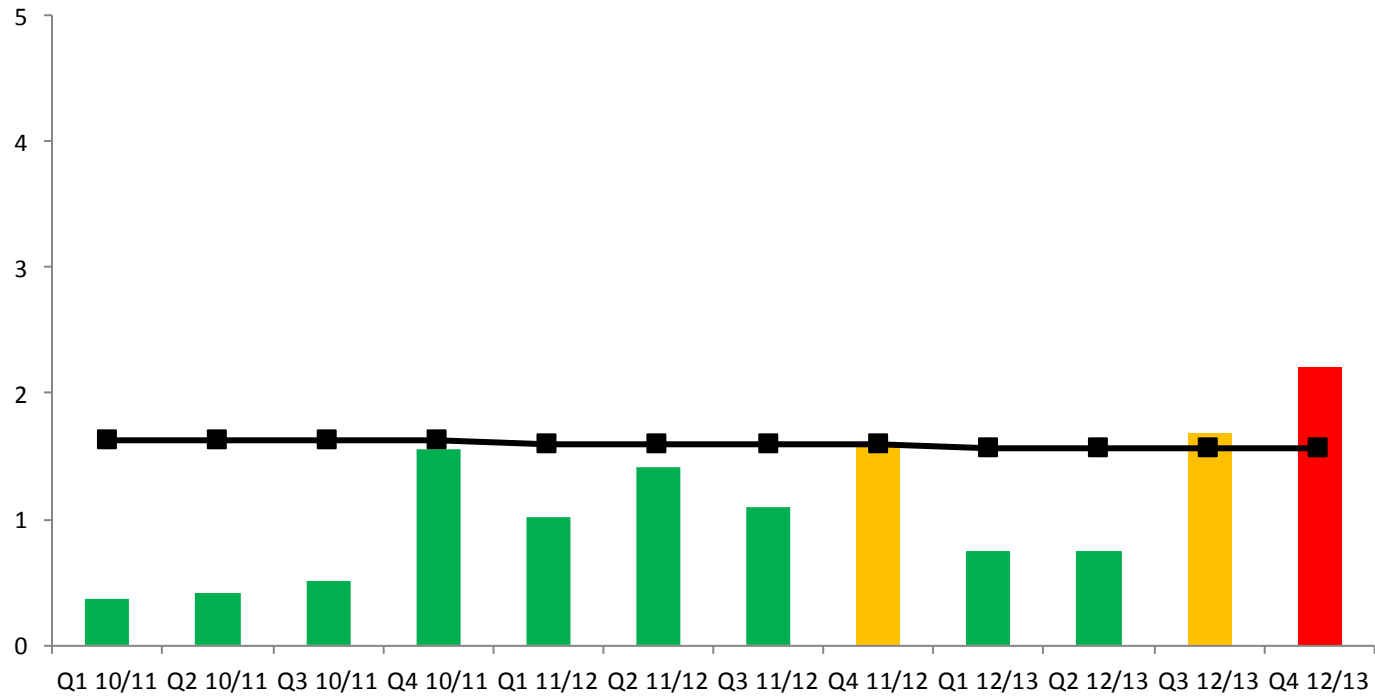
Further Information

Transport and Logistics is the department that has the greatest influence on the overall sickness levels within the Corporate Resources Directorate as they are the largest team. Approximately 45% of the sickness in Transport and Logistics is attributed to 3 individuals. One of these has now left the Authority, the second is currently undergoing treatment at hospital for bowel cancer and the third has an underlying condition which is being managed by the department in conjunction with the Authority Medical Advisor.

1.5 SICKNESS ABSENCE – CORPORATE DATA & TECHNOLOGY

32 employees as at 31 March 2013

BY QUARTERS

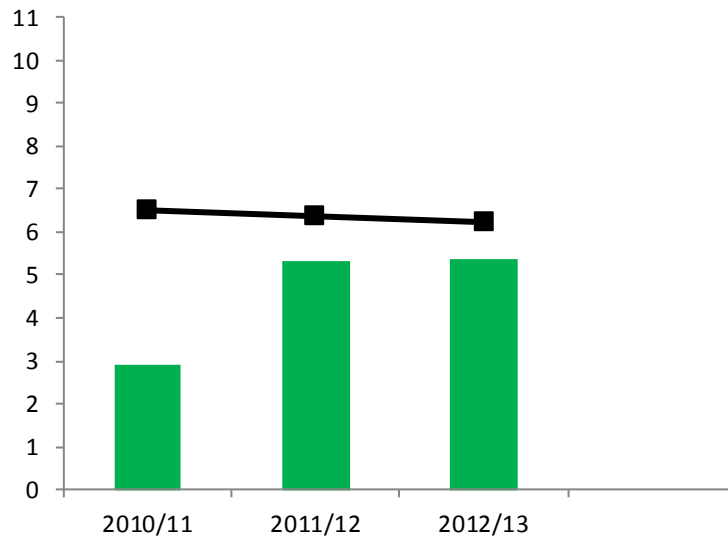


	Q1 2010/11	Q2 2010/11	Q3 2010/11	Q4 2010/11	Q1 2011/12	Q2 2011/12	Q3 2011/12	Q4 2011/12	Q1 2012/13	Q2 2012/13	Q3 12/13	Q4 12/13
Total	0.36	0.42	0.51	1.56	1.01	1.41	1.09	1.60	0.74	0.74	1.68	2.20
Target	1.63	1.63	1.63	1.63	1.59	1.59	1.59	1.59	1.56	1.56	1.56	1.56

SICKNESS ABSENCE – CORPORATE DATA & TECHNOLOGY

32 employees as at 31 March 2013

BY YEARS

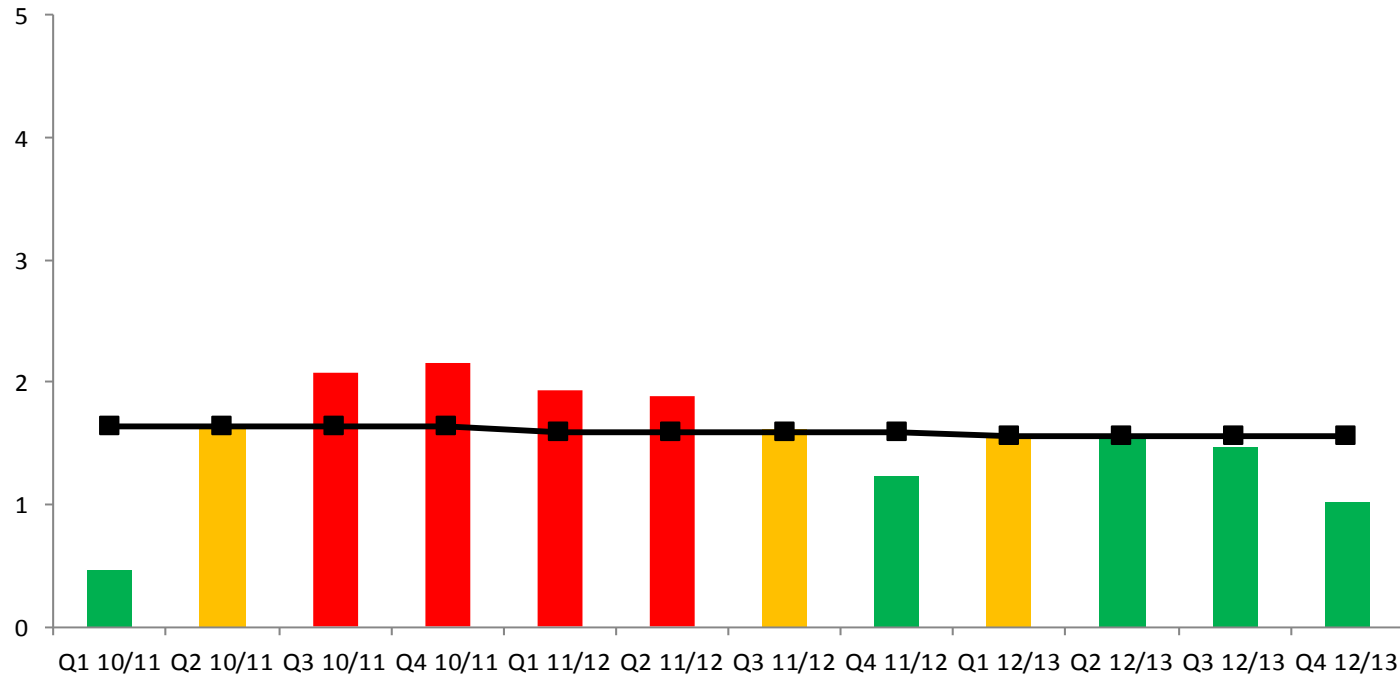


	2010/11	2011/12	2012/13
Total	2.92	5.24	5.39
Target	6.50	6.37	6.25

1.6 SICKNESS ABSENCE – SERVICE SUPPORT

153 employees as at 31 March 2013

BY QUARTERS

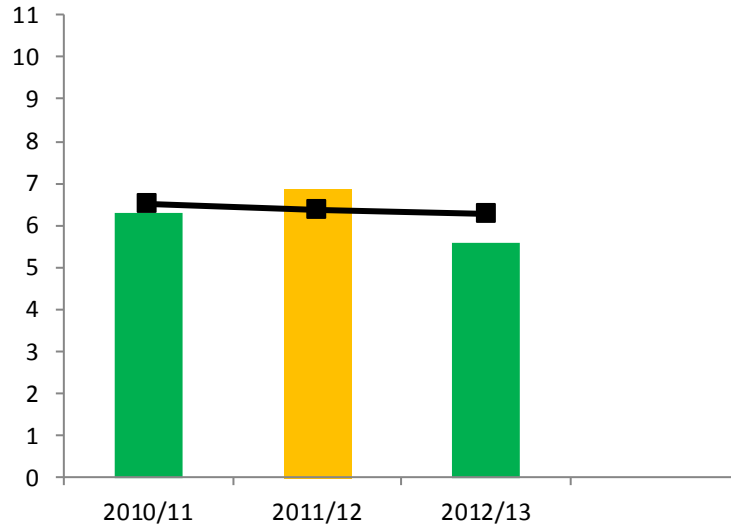


	Q1 10/11	Q2 10/11	Q3 10/11	Q4 10/11	Q1 11/12	Q2 11/12	Q3 11/12	Q4 11/12	Q1 12/13	Q2 12/13	Q3 12/13	Q4 12/13
Emp Services	1.63	2.37	0.83	0.67	0.31	0.79	0.20	0.12	1.28	3.96	4.78	0.83
OHSU	0.55	2.54	6.18	5.91	7.09	5.91	2.50	0.20	0.56	0.63	0.78	2.75
Training	0.21	1.46	2.64	2.95	1.94	0.84	1.12	1.55	2.61	1.81	2.44	1.34
Emp Resourcing	0.14	1.31	1.35	1.33	1.70	2.76	2.51	1.54	0.85	0.48	0.60	0.71
Total	0.46	1.63	2.08	2.16	1.94	1.89	1.62	1.23	1.57	1.53	1.47	1.03
Target	1.63	1.63	1.63	1.63	1.59	1.59	1.59	1.59	1.56	1.56	1.56	1.56

SICKNESS ABSENCE – SERVICE SUPPORT

153 employees as at 31 March 2013

BY YEARS



	2010/11	2011/12	2012/13
Emp Services	5.48	1.40	10.52
OHSU	15.41	15.45	5.05
Training	7.01	5.49	8.29
Emp Resourcing	4.17	9.00	2.61
Total	6.30	6.83	5.59
Target	6.50	6.37	6.25

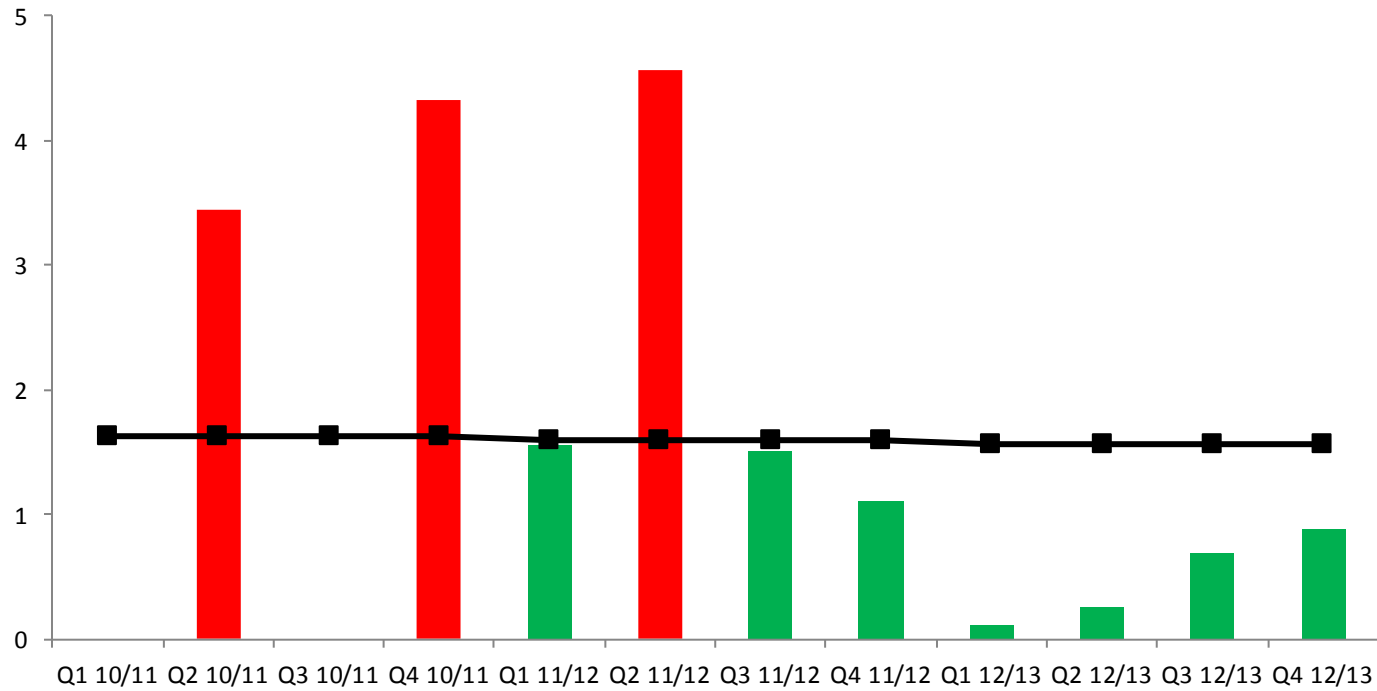
Further Information

The majority of sickness in Service Support can be attributed to 7 individuals who have been on long term sickness. 3 of these individuals, who collectively contributed 50% of this sickness, are no longer employed by WYFRS.

1.7 SICKNESS ABSENCE – FINANCE

13 employees as at 31 March 2013

BY QUARTERS

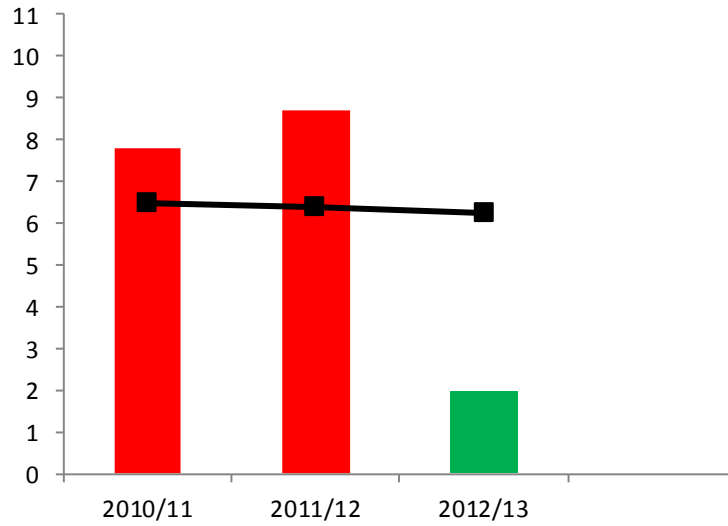


	Q1 10/11	Q2 10/11	Q3 10/11	Q4 10/11	Q1 11/12	Q2 11/12	Q3 11/12	Q4 11/12	Q1 12/13	Q2 12/13	Q3 12/13	Q4 12/13
Total	0.00	3.44	0.00	4.33	1.56	4.56	1.50	1.11	0.11	0.25	0.69	0.88
Target	1.63	1.63	1.63	1.63	1.59	1.59	1.59	1.59	1.56	1.56	1.56	1.56

SICKNESS ABSENCE – FINANCE

13 employees as at 31 March 2013

BY YEARS

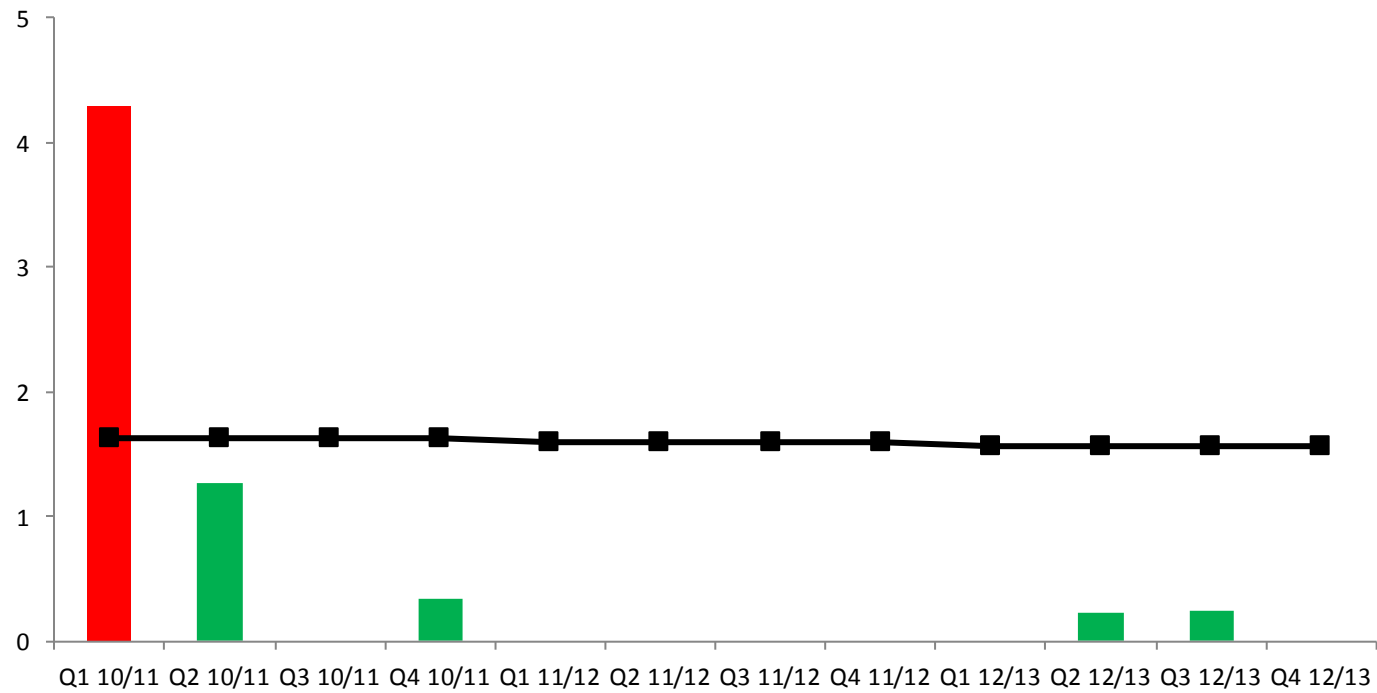


	2010/11	2011/12	2012/13
Total	7.78	8.72	1.94
Target	6.50	6.37	6.25

1.8 SICKNESS ABSENCE – FSHQ INCLUDING STRATEGIC DEVELOPMENT

19 employees as at 31 March 2013

BY QUARTERS

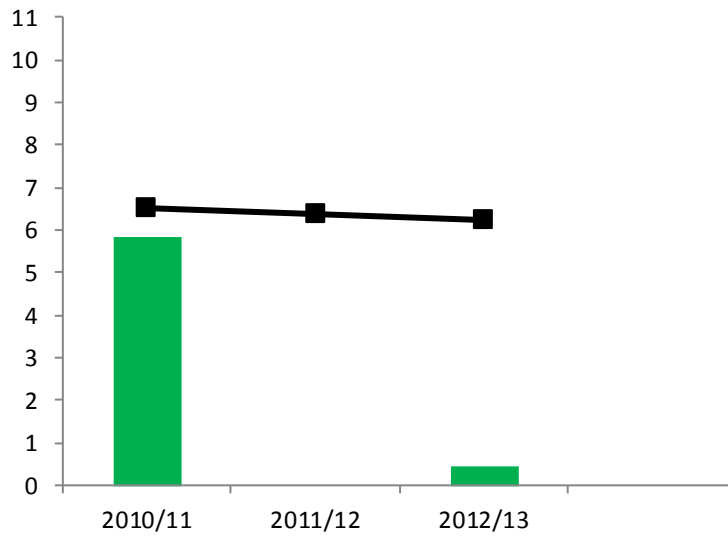


	Q1 10/11	Q2 10/11	Q3 10/11	Q4 10/11	Q1 11/12	Q2 11/12	Q3 11/12	Q4 11/12	Q1 12/13	Q2 12/13	Q3 12/13	Q4 12/13
Total	4.29	1.27	0.00	0.33	0.00	0.00	0.00	0.00	0.00	0.23	0.24	0.00
Target	1.63	1.63	1.63	1.63	1.59	1.59	1.59	1.59	1.56	1.56	1.56	1.56

SICKNESS ABSENCE – FSHQ INCLUDING STRATEGIC DEVELOPMENT

19 employees as at 31 March 2013

BY YEARS



	2010/11	2011/12	2012/13
Total	5.86	0.00	0.47
Target	6.50	6.37	6.25

2. ESTABLISHMENT AND STRENGTH AS AT 31 MAY 2013

Staff Group	No. of Posts following HR Committee 12 Apr 2013	Amendments to Establishment	Proposed Number of Posts (New Establishment)	Number of People Employed
Whole Time	1244	8 *	1236	1256
Retained	156	12 *	144	166 (117 posts)
MACC (Mobilising and Communications Centre)	51		51	49
Green Book (Non-Operational) Personnel	268		268	259
Total	1719	20 *	1699	1730

Further Information

* At the meeting on 21 December 2012 the Fire Authority approved (as part of the Integrated Risk Management Plan) the following staffing changes:

- (a) The reduction in the minimum crewing on the combined aerial rescue pump (CARP) at Halifax from six to five results in a reduction of 4 Firefighter posts.
- (b) The reduction in the minimum crewing on the combined aerial rescue pump (CARP) at Wakefield from six to five results in a reduction of 4 Firefighter posts.
- (c) The closure of Marsden fire station and consequent reduction of 12 RDS posts (1 Watch Manager, 2 Crew Managers, 9 Firefighters).

3. NUMBER AND DISTRIBUTION OF POSTS AS AT 31 MAY 2013

SERVICE DELIVERY				SERVICE SUPPORT				STRATEGIC DEVELOPMENT				CORPORATE RESOURCES				FSHQ				TOTALS			
Grade	Previous Estab	Approval Sought	New Estab	Grade	Previous Estab	Approval Sought	New Estab	Grade	Previous Estab	Approval Sought	New Estab	Grade	Previous Estab	Approval Sought	New Estab	Grade	Previous Estab	Approval Sought	New Estab	Grade	Previous Estab	Approval Sought	New Estab
ACO	1		1	ACO	1		1	DCFO	1		1	ACO	0		0	Chief	1		1	Prin Off	4		4
AM	3		3	AM	1		1	AM	0		0	AM	0		0	AM	0		0	AM	4		4
GM	8		8	GM	8		3	GM	2		2	GM	0		0	GM	0		0	GM	13		18
SM	40		40	SM	6		6	SM	4		4	SM	0		0	SM	0		0	SM	50		50
WM	154		154	WM	39		39	WM	2		2	WM	0		0	WM	0		0	WM	195		195
CM	187		187	CM	27		27	CM	0		0	CM	0		0	CM	0		0	CM	214		214
FF	732	-8	724	FF	32		32	FF	0		0	FF	0		0	FF	0		0	FF	764	-8	756
WT	1125	-8	1117	WT	109	0	109	WT	9	0	9	WT	0	0	0	WT	1	0	1	WT	1244	-8	1236
Prin Off	0		0	Prin Off	0		0	Prin Off	0		0	Prin Off	1		1	Prin Off	1		1	Prin Off	2		2
EO	0		0	EO	0		0	EO	0		0	EO	2		2	EO	1		1	EO	3		3
G14	2		2	G14	2		2	G14	0		0	G14	4		4	G14	0		0	G14	8		8
G13	0		0	G13	0		0	G13	0		0	G13	0		0	G13	0		0	G13	0		0
G12	0		0	G12	0		0	G12	0		0	G12	2		2	G12	0		0	G12	2		2
G11	3		3	G11	1		1	G11	0		0	G11	2		2	G11	0		0	G11	6		6
G10	11		11	G10	1		1	G10	0		0	G10	10		10	G10	0		0	G10	22		22
G9	6		6	G9	5	1	6	G9	0		0	G9	7		7	G9	3		3	G9	9	1	10
G8	19		19	G8	3	-1	2	G8	0		0	G8	8	1	9	G8	0		0	G8	30	0	30
G7	7		7	G7	4		4	G7	0		0	G7	25		25	G7	1		1	G7	37		37
G6	1	1	2	G6	12		12	G6	0		0	G6	9	1	8	G6	1		1	G6	25	0	23
G5	22		22	G5	3		3	G5	0		0	G5	11		11	G5	3		3	G5	39		39
G4	1	-1	0	G4	2		2	G4	0		0	G4	4		4	G4	3		3	G4	11	-1	10
G3	44		44	G3	11		11	G3	0		0	G3	12		12	G3	4		4	G3	67		67
G2	1		1	G2	0		0	G2	0		0	G2	7		7	G2	0		0	G2	8		8
G1	0		0	G1	0		0	G1	0		0	G1	0		0	G1	0		0	G1	0		0
APP	0		0	APP	0		0	APP	0		0	APP	0		0	APP	0		0	APP	0		0
Green	111	0	111	Green	44	0	44	Green	0	0	0	Green	99	0	99	Green	14	0	14	Green	268	0	268
WM@	13	-1	12																	WM@	13	-1	12
CM@	26	-2	24																	CM@	26	-2	24
FF@	117	-9	108																	FF@	117	-9	108
Retained	156	-12	144																	Retained	156	-12	144
GM(Cop)	1		1																	GM(Cop)	1		1
WM(Cop)	10		10																	WM(Cop)	10		10
CM(Cop)	8		8																	CM(Cop)	8		8
FF(Cop)	32		32																	FF(Cop)	32		32
MACC	51	0	51																	MACC	51	0	51
Total	1443	-20	1423	Total	153	0	153	Total	9	0	9	Total	99	0	99	Total	15	0	15	Total	1719	-20	1699

There have been three re-grades to green book posts since the last report on 12 April 2013 and these are recorded above.

**4. ENROLMENTS AND LEAVERS/RESIGNATIONS
APRIL – MAY 2013**

Staff Group	Enrolments	Leavers and Retirees
Whole Time	Nil	15
Grey Book Re-Engagement	Nil	n/a
Retained	8 #	4
MACC (Mobilising and Communications Centre)	Nil	2
Green Book (Non-Operational) Personnel	5	2

New firefighters at Skelmanthorpe (4), Mirfield (2), Otley and Slaithwaite (all existing wholetime employees)

**5. NUMBER OF ILL HEALTH RETIREMENTS
APRIL – MAY 2013**

No retirements in this period were due to medical reasons.

**6. DIVERSITY PROFILE OF WORKFORCE
AS AT 31 MARCH 2013**

6.1 GENDER

6.1.1 Wholetime

	Male	Female	Total
Brigade Manager	4		4
Area Manager	4		4
Group Manager	13		13
Station Manager	52		52
Watch Manager	192	6	198
Crew Manager	206	5	211
Firefighter	756	35	791
TOTAL	1,227	46	1,273

6.1.2 Retained

	Male	Female	Total
Watch Manager	13		13
Crew Manager	27		27
Firefighter	117	3	120
TOTAL	157	3	160

6.1.3 Control

	Male	Female	Total
Group Manager	1		1
Watch Manager	6	6	12
Crew Manager	3	8	11
Firefighter	5	21	26
TOTAL	15	35	50

6.1.4 Support Staff

	Male	Female	Total
TOTAL	137	136	273

6.2 ETHNIC ORIGIN

6.2.1 Wholetime

	White British or Irish	Any Other White	Mixed	Asian or Asian British	Black or Black British	Chinese	Total
Brigade Manager	4						4
Area Manager	4						4
Group Manager	13						13
Station Manager	51		1				52
Watch Manager	192	2	2		2		198
Crew Manager	207	2		2			211
Firefighter	750	3	18	14	5	1	791
TOTAL	1,221	7	21	16	7	1	1,273

6.2.2 Retained

	White British or Irish	Any Other White	Mixed	Total
Watch Manager	13			13
Crew Manager	27			27
Firefighter	118	1	1	120
TOTAL	158	1	1	160

6.2.3 Control

	White British or Irish	Mixed	Total
Group Manager	1		1
Watch Manager	12		12
Crew Manager	11		11
Firefighter	25	1	26
TOTAL	49	1	50

6.2.4 Support Staff

	White British or Irish	Any Other White	Asian or Asian British	Other Ethnic Background	Total
TOTAL	253	4	15	1	273

6.3 DISABILITY

6.3.1 Wholetime

	Disabled	Not Disabled	Total
TOTAL	17	1,256	1,273

6.3.2 Retained

	Disabled	Not Disabled	Total
TOTAL	4	156	160

6.3.3 Control

	Disabled	Not Disabled	Total
TOTAL	4	156	160

6.3.4 Support Staff

	Disabled	Not Disabled	Total
TOTAL	27	246	273

**7. AGE PROFILE OF WHOLE TIME WORKFORCE
AS AT 31 MARCH 2013**

7.1 Wholetime

	17-24	25-35	36-45	46-55	56-65	Total
Brigade Manager				4		4
Area Manager				4		4
Group Manager		1	5	7		13
Station Manager			19	33		52
Watch Manager		21	71	106		198
Crew Manager	1	45	87	77	1	211
Firefighter	6	291	269	221	4	791
TOTAL	7	358	451	452	5	1,273

7.2 Retained

	17-24	25-35	36-45	46-55	56-65	Total
Watch Manager		1	2	10		13
Crew Manager		6	8	11	2	27
Firefighter	3	33	35	42	7	120
TOTAL	3	40	45	63	9	160

7.3 Control

	17-24	25-35	36-45	46-55	56-65	Total
Group Manager				1		1
Watch Manager			5	5	2	12
Crew Manager		3	2	5	1	11
Firefighter		4	4	14	4	26
TOTAL		7	11	25	7	50

7.4 Support Staff

	17-24	25-35	36-45	46-55	56-65	Total
TOTAL	4	53	70	96	50	273

WYFRA	HUMAN RESOURCES COMMITTEE	5 July 2013	ITEM No 12
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REPORT OF: Director of Service Support

PURPOSE OF REPORT: Pensionable Payments

RECOMMENDATIONS:

1. Members note the content of this report.
2. Members approve a phased approach to addressing the implications of Norman v Cheshire.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS

EXEMPTION CATEGORY: None

ACCESS CONTACT OFFICER: Area Manager Steve Rhodes

BACKGROUND PAPERS OPEN TO INSPECTION: None

SUMMARY

This paper provides an overview of current issues and implications for West Yorkshire Fire and Rescue Service (WYFRS) relating to pensionable payments following the Norman v Cheshire High Court ruling.

1. INTRODUCTION

1.1 In December 2011 Mr Justice Andrew Smith gave a decision in the England and Wales High Court (Queen's Bench Divisions) in *Norman v Cheshire Fire and Rescue Service* which affects the definition of pensionable pay in the Firefighters' Pension Scheme 1992 (FPS) and New Firefighters' Pension Scheme 2006 (NFPS).

1.2 *Norman* centred around a decision by Cheshire Fire and Rescue Service (CFRS) to roll up payments for their Day Crewed staff which CFRS offered pensionable as part of a collective agreement - Mr Norman paid pension contributions on this payment. After receiving FPSC (Firefighters' Pension Scheme Circular) 11/2009, CFRS followed the guidance making the payments non-pensionable. Norman challenged this decision. CFRS chose to fight it in the Courts, which has left the UK Fire and Rescue Service with a judgement on pensionable pay.

1.3 Department for Communities and Local Government (CLG) were not a named party in the case so are unable to appeal the decision.

1.4 Pensionable pay is defined in both the FPS and the NFPS. The FPS definition is contained in Rule G1. The definition which was originally included in the 1992 version of the scheme rules, and in force until 2004, was that the pensionable pay of a regular firefighter is "the amount determined in relation to the performance of the duties of his rank". The definition was amended with the substitution of "rank" with "role" in 2004 to reflect the changes within the Fire and Rescue Service as part of the modernisation agenda. The current wording of Rule G1 is:

the pensionable pay of a regular firefighter is the aggregate of—

(a) the amount determined in relation to the performance of the duties of his role (whether as a whole-time or part-time employee); and

(b) the amount (if any) paid to him in respect of his continual professional development.

1.5 The NFPS definition is contained in Rule 1 of Part 11. This states

the pensionable pay of a firefighter member is the aggregate of—

(a) his pay in relation to the performance of the duties of his role except any allowance or emoluments paid to him on a temporary basis, other than payments in respect of his continual professional development (see rule 7B of Part 3), and

(b) his permanent emoluments (including, in the case of a retained firefighter, any retaining allowance).

1.6 NFPS tightened the definition of pensionable pay particularly to temporary payments. WYFRA has applied this guidance since December 2009 to all payments it applied, with exception of those agreed before that date.

2. BACKGROUND

2.1. Following the Norman v Cheshire High Court decision, Management Board considered legal advice obtained by Leicestershire and Rutland Combined Fire Authority (LLRCFA) in relation to the criteria for determining if an allowance should be deemed as pensionable.

2.2. In summary, the WYFRS duty systems considered pensionable are;

- | | |
|---------------------------------------|-------|
| • Operational Resources Pool (ORP) | 10% |
| • Day Crewed (Close Call) (DCCC) | 29% |
| • Day Crewed (DC) | 5% |
| • USAR duty system | 15 % |
| • Area Manager duty system | 11.5% |
| • Training Centre duty system and ARA | 8% |
| • Fire Investigation Team | 20% |

3. INFORMATION

3.1. WYFRS have produced the first of a series of Pension Updates that explains to employees the issues relating to pensionable pay (**Appendix 1**). The focus of the update was to explain the High court ruling and the implications for WYFRS and for individual firefighters. The Pension Update was well received by employees and the Fire Brigade Union.

3.2. WYFRS are currently consulting with West Yorkshire Pension Fund and Representative Bodies to determine the most appropriate date for the payments to become pensionable.

3.3. There is a shortfall of contributions (employee and employer); the time limit for a claim to recover underpaid contributions (under the Limitation Act,) is six years. The date which the recovery of unpaid contributions is triggered could either be;

- The date WYFRS deem the pay is pensionable.
- or
- The date an employee makes a claim for pay to be pensionable (this is likely to be when an employee submits a grievance or request for their pay to be pensionable).

In either of the circumstances, a method for recovering underpaid contributions needs determining.

3.4. There is potential for any pension scheme payments which result from additional payments that Fire and Rescue Authorities have agreed locally, to be the

responsibility of the FRA and not be reimbursed by Government via the “top up” grant.

3.5 WYFRA will need to consider the impact on future pension costs of all additional payments. A strategy for reducing future liabilities will need to be identified.

4. FINANCIAL IMPLICATIONS

4.1. An amount has been included in contingencies to cover the cost of the additional employer pension contributions in the current financial year. It is estimated that the potential cost of back dated contributions could be between £300,000 and £400,000 dependent upon the take up from former employees, a provision will be made in the 2012/2013 accounts to meet these costs.

4.2. Information to enable Finance to calculate the actual cost is currently being collated by Support Services.

5. EQUALITY AND DIVERSITY IMPLICATIONS

5.1. There are no Equality and Diversity implications resulting directly from this report.

6. SERVICE PLAN LINKS

6.1. This report supports the strategic priority “Provide ethical governance and achieve value for money in managing resources”

7. CONCLUSIONS

7.1. WYFRS will address the range of issues relating to Pensionable Pay by implementing a phased approach.

7.1.1. For payments deemed pensionable, individual contracts will be amended and employee and employer contributions will begin being paid.

7.1.2. A method for recovering underpaid contributions will be introduced.

7.1.3. Consultation will be required with FBU and FOA.

7.1.4. The outcomes and issues relating to pensionable pay are communicated to members of the pension schemes.

7.1.5. The impact of future liabilities needs identifying and a strategy to mitigate future liabilities is determined.

Pension Update

Edition 1

Norman v Cheshire Fire and Rescue Service

(What part of Firefighter's pay should form part of their pension)

How does this affect us in West Yorkshire?



West Yorkshire
Fire & Rescue Service

Making West Yorkshire Safer
www.westyorksfire.gov.uk

Introduction

This is the first in a series of pension updates. Pension Update Edition one explains the issues and implications for pensionable pay and only applies to Grey book employees who are members of the Firefighters' Pension Scheme 1992 and the New Firefighters' Pension Scheme 2006. It does not apply to the Local Government Pension Scheme (LGPS). Further pension updates will be issued covering a range of topics such as the proposed changes to the LGPS and the Firefighter Pension schemes.

Background

In 2011, a High Court ruling about pay and pensions was made in relation to the Firefighters' Pension Scheme 1992 and the New Firefighters' Pension Scheme 2006. The issue was about 'pensionable pay', which is quite a complex topic. West Yorkshire Fire and Rescue Service must now review the pensionable element of additional payments over and above that of the direct salary payments that we provide and make some changes.

We recognise that some of you will welcome the changes because it results in final pensions increasing; however, it also means that those in receipt of an increased pensionable pay will need to make a pension contribution on the additional payments, so your overall pension contribution increases. However, not everyone will benefit nor feel that this is beneficial to their individual circumstances.

The High Court ruling will have an impact on both pension schemes mentioned above as the overall cost of providing pensions will now increase.

This update explains the key issues; however, further information will be provided regarding some of the detail and future decisions. There are still a number of issues to discuss before the "what" and "how" questions can be fully answered.

What is pensionable pay?

Pensionable pay is the amount of pay that you have paid contributions against. The Authority has also paid employer's contributions against that amount of salary. Pensionable pay is the part of your remuneration that is used to calculate your pension when you retire. As a general rule of thumb, it is your core salary and in some cases it includes additional payments.

How did this issue come about?

In 2011, a retired Cheshire Fire and Rescue Service Firefighter argued that some of the payments he received when he worked as a Day Crewed Firefighter (Mr Norman) should have been taken into account when working out his pension.

Mr Norman's claim was referred to the High Court for a decision to be made. The way that Cheshire Fire and Rescue Service pays its Firefighters is different to the way that West Yorkshire does. In Cheshire, they had grouped all the different parts of payment, such as heating allowances into one single payment, which they termed a consolidated payment. In Cheshire, Firefighters, Crew Managers and Watch Managers are paid a consolidated payment which is an extra percentage on top of their wage instead of the part payments. In West Yorkshire, Day Crewed personnel are paid different amounts for different things, e.g. a separate amount for providing cover during the night (RDS 5%), an amount for heating and lighting, a turning in fee, etc.

The High Court Judge decided that the consolidated amount paid to Mr Norman was pensionable. Because of this, Mr Norman's pension increased. All fire authorities now need to review their additional payments with regard to 'pensionable pay'.

What does this mean for all Fire Services?

The High Court Judge's decision clarified the pension scheme rule, it did not amend it. This means that in order to comply with Pension Scheme rules, various payments that had not been considered pensionable should in fact have been pensionable with both the employee and employer making pension contributions against it. The decision does not just apply to Day Crewing payments; it also applies to a range of other payments.

We had previously made some changes to what was and was not pensionable following Government Guidance (Firefighters' Pension Circular) issued in 2009.

As mentioned, all Fire and Rescue Authorities (FRAs), including ourselves, have reviewed all additional payments and determined whether they should be pensionable or not. There has been further legal opinion that helps us with that process, which will need to include:

- Identifying all the additional payments that FRAs make.
- Deciding which are pensionable and which are not.
- Deciding how to make the payments pensionable.
- Deciding how to recover underpaid contributions on behalf of the Pension Scheme.

What payments do WYFRA make, that need to become pensionable?

Pensionable pay can generally be described as pay for work carried out or for a shift pattern actually worked.

It must however be a payment that meets all five of the following criteria:

1. It is a regular payment (for us it is paid four weekly).
2. It is a payment to which the Firefighter (or other role) is entitled to under the contract of employment.
3. Is payable at a rate applicable to the role (is an additional amount calculated as a percentage increase of an individual's salary).
4. Is paid in the ordinary course of fulfilling their duties (so not an exceptional payment related to a special event or circumstances).
5. Has something of a permanent nature.

For instance, if a payment is made to cover an expense incurred by an individual such as heating/lighting, it is not classed as pay and is not pensionable. We have looked at all the additional payments made by WYFRS to identify which meet all the criteria above and must become subject of pension contribution following the High Court ruling:

- Operational Resources Pool (ORP) duty system - All payments
- Day Crewed Close Call (DCCC) duty system - All payments
- Day Crewed (DC) duty system - RDS element 5%
- USAR duty system - All payments
- Area Manager duty system - All payments
- Training Centre duty system - All payments
- Fire Investigation Team duty system - All payments

Other additional payments made by West Yorkshire do not meet **all** of the five criteria, and/or are classed as expenses rather than payment.

What does this mean for you?

1. Some people working one of the seven systems already have their additional payments deemed as pensionable. An example would be if you were accepted into the Ops Resource Pool. At the very start your additional payment is pensionable; or if you are at a Day Crewed station and you are in the New Firefighters' Pension Scheme (RDS elements of pay have always been pensionable in the NFPS). There are a few other examples.

If your additional payments are already pensionable you will be paying contributions now and your final pension will take this into account, therefore nothing will change.

2. If you are working on one of the seven systems mentioned and your additional payment is not currently pensionable, your payment will become pensionable and you and WYFRA will start to pay pension contributions. Your final pension will take this into account. A date will be set for the changes to be made and contributions to start.

The Pension Schemes require past contributions that have not been paid to be recovered. This affects all that are in (or have left) posts with additional pay

entitlement that will now become pensionable. This also affects WYFRA because it will also have to pay employer contributions to the Scheme. As this is a requirement of the Pension Scheme, it is not something that WYFRA can influence or change.

Contributions will have to be recovered as far back as six years or to the point when you joined that shift pattern and started to receive additional payments.

3. If you are about to retire or have already retired you will be required to repay the underpaid contributions and your pension will be adjusted accordingly.
4. If you are working on a shift system which has additional payments that are to become pensionable and you do not wish to stay on the shift system, we will assist you to move onto a shift system that has no additional payments. You will still need to pay back any underpaid contributions for the period of time you served on that system, you can elect to have this taken into account when you receive your pension (it will be in what is called a split pension - this will be explained in a further pension update). This might prove to be a difficult decision to make and some may choose to transfer to a different shift system.

What happens next?

1. We will provide a pension update similar to this one for each duty system to enable everyone to take a look at their individual circumstances in more detail.
2. We will consult with the FBU and FOA and set a date for the payments to become pensionable.
3. We will agree ways of paying your underpaid contributions. There will be options such as spreading repayments over a period of time. We will look at all the options that are possible and discuss these with the representative bodies and yourselves.
4. We will provide a follow up pension update that explains what has been decided and how it will be implemented before we actually make any changes.

We recognise that this is a complex subject. This will no doubt generate discussion and many questions. Station Commanders will be fully briefed and station visits will be organised over the coming weeks.

Steve Rhodes

Area Manager Service Support



West Yorkshire
Fire & Rescue Service