

WYFRA	HUMAN RESOURCES COMMITTEE	31 March 2012	ITEM No 5
--------------	--------------------------------------	----------------------	---------------------------

REPORT OF: Director Human Resources

PURPOSE OF REPORT: To provide information on the progress of the negotiations on the Local Government Pension Scheme (LGPS)

RECOMMENDATION: That Members note the report

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS

EXEMPTION CATEGORY:

ACCESS CONTACT OFFICER: Senior Human Resources Manager

BACKGROUND PAPERS OPEN TO INSPECTION:

SUMMARY

This report provides information with regard to the progress of the negotiations on the LGPS and gives details and timescales in relation to concluding the negotiations.

1 BACKGROUND

- 1.1 Members will be aware of the on-going negotiations between Government and Unions on the changes to the Local Government Pension Scheme (LGPS). Indeed at one point during these protracted negotiations some unions balloted their members for industrial action, and a one strike day took place on 30 November 2011, as a protest against Government proposals on pension reform.
- 1.2 Following this industrial action, negotiations resumed as government made some further concessions with regard to pension scheme amendments.
- 1.3 Government were able to accept a principles document submitted by the Local Government Association, Unison and the GMB on how to take forward the reform. A project has been set up to reach agreement on the elements of the new scheme, together with the management and governance of the scheme going forward.

2 INFORMATION

- 2.1 The latest update on the progress against the principles document received in January is that the representatives the GMB, Unison, LGA and DCLG are meeting at least weekly in order to discuss options for the new scheme.
- 2.2 They are aiming to reach agreement (which will include full consultation with their respective memberships) by April 2013 on the following objectives
 - Objective 1 – confirmation of the basis of the scheme e.g. CARE
 - Objective 2 – confirmation of the accrual rate of the scheme
 - Objective 3 – confirmation of the revaluation rate
 - Objective 4 – confirmation of the accrual methodology for variation to benefits either side of the National Pension Age (NPA) with the NPA being the later age 65 or State Pension Age (SPA)
 - Objective 5 – Confirmation of the value, distribution and phasing of any employee contribution increases
 - Objective 6 – Confirmation of the transitional protections
 - Objective 7 – Confirmation of the parameters of the employer cap and collar
 - Objective 8 – Confirmation of the mechanism for variation of the elements to maintain scheme costs within the cap and collar values
 - Objective 9 – Agree recommendations on best practice in governance and procurement
 - Objective 10 – Confirmation of the value of the on-going scheme (see principle 11) as measured using model fund data, assumptions and methodology (see principle 4) which satisfies overall government financial constraints (see principle 2)
- 2.3 Attached as Appendix 1 is the Principles Document (Final Version) which sets out and details the Heads of Agreement between the LGA and Unison, GMB and Unite on behalf of the LGPS unions.
- 2.4 Pages 4/5 of the attached document sets out the timetable and milestones and all principles to be addressed and the date of pension reform completion. The timetable shows that a new LGPS scheme should be in place by April 2014

3 FINANCIAL IMPLICATIONS

- 3.1 The overall shape of the new LGPS scheme will have a long term impact on employer pension contributions which currently costs £0.9m per year.

4 EQUALITY & DIVERSITY IMPLICATIONS

- 4.1 At this stage in the negotiations there are no direct equality and diversity implications arising from this report.

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 RECOMMENDATION

- 7.1 That Members note the report.

EMPLOYER AND UNION AGREEMENT ON THE FUTURE OF THE LGPS

At the meeting of the 15th November between LGA lead members and officials from the GMB, Unison and Unite it was concluded that discussions should be progressed with the aim of reaching agreement on a set of high level principles for the Local Government Pension Scheme.

In setting this objective all parties accept that any agreement which may be reached would be subject to consultation with and confirmation by their respective memberships.

The following document is the result of the above discussions and forms the Heads of Agreement between the LGA and UNISON, GMB and UNITE (on behalf of the LGPS unions)

THE PRINCIPLES

In scoping the principles it was recognised that the initial design of the new scheme is but one of a two part process. The second (and potentially most important part) being the setting of the employer contribution cap and the associated cost management and governance mechanisms required to ensure that the scheme can in future manage its own affairs without the need for secondary legislation .

Furthermore all parties accepted that both parts of the process must be progressed simultaneously in order to avoid the potential for misunderstanding and delay which may otherwise result.

In respect of the timetable for progress there was mutual recognition that the real driver should be the requirement to have regulations in place by April 2013. The government's desire for progress on a scheme outline by the end of 2011 was recognised as a valid aspiration within that overall timetable. In this respect this document should be read in conjunction with the timetable which follows entitled;

LGPS 'SINGLE STEP' SOLUTION: TIMESCALE, MILESTONES AND ACTIONS REQUIRED

The principles set out below are based on the broad parameters set out in the meeting of the 15th.

NEW SCHEME DESIGN PRINCIPLES

Principle 1. A single solution to both short and long term issues by the early introduction of the new scheme (regulations by April 2013 and implementation from April 2014) negating the need for scheme changes prior to April 2014.

Principle 2. That the single solution be designed around options that will be worked on the basis of career average and can include zero increases in employee contributions for all or the vast majority of members provided

overall financial constraints are met (recognising that such constraints may change subject to further negotiations with Treasury on meeting the costs of protections – principle 7 - and that there will be no triple counting of recycled savings).

Principle 3. That the new scheme incorporates some elements of choice designed to encourage both retention of existing membership and encourage new membership.

Principle 4. That scheme costs are based on actual experience and the base numbers are provided by Government Actuary's Department (GAD) from the model fund data, can be independently verified and are supported by the Association of Consulting Actuaries (ACA).

Principle 5. In order to encourage flexible retirement, the age at which benefits may be taken (the pension age) is to be any time between 55 and 75. Benefits are to be adjusted up or down relative to the proximity of the pension age to the Normal Pension Age (NPA) which is to be linked to State Pension Age (SPA) or age 65 whichever is later.

Principle 6. That access to the scheme be provided for a broad range of employees who deliver public services through the continuation of current Admitted Body Status (ABS) arrangements

Principle 7. That the method of meeting the cost of protections (final salary and retirement age in the old scheme and the 10 year protection of pension and age into the new scheme), their value relative to other public sector schemes and their scope for recycling need to be confirmed by Treasury.

Principle 8. That scheme cost efficiencies be realised through more effective procurement and provision of both administration and investment services

Principle 9. That the LGPS maintain its relative value in terms of benefits in relation to other public sector schemes

Principle 10. That the scheme design be subject to robust and independent equality impact assessment to ensure it meets all legislative equality requirements in both effect and intent

MANAGEMENT AND GOVERNANCE MECHANISM PRINCIPLES

Principle 11. That the value of the ongoing scheme and the employer contribution cap within that value be set by agreement between the principal stakeholders of the scheme.

Principle 12. That the employer contribution cap contains both ceiling and floor values (cap and collar)

Principle 13. To ensure the long term sustainability of the scheme the mechanisms of management and governance necessary to maintain employer contributions within the cap and collar be set by scheme regulation, be under the control of the principal stakeholders of the scheme and use model fund data.

Principle 14: The mechanisms shall include tools to vary liabilities and revenue (e.g. changes to the benefit structure and / or employee contribution rates). The mechanisms shall also include a default position should agreement not be reached within a preset timescale. However such a default position should not contain a predisposed and disproportionate disbenefit to either employees or employers

Principle 15. That a clear and effective mechanism be put in place to translate the effects of cap and collar to individual employers in the LGPS. In particular the circumstances which will allow for individual employer rates to be set outside of the cap and collar.

Principle 16. That within the cap and collar individual funding levels are to be monitored and constrained within an acceptable range.

Principle 17. That the cap and collar mechanism be an intrinsic part of the agreement on the new scheme not a separate process.

LGPS 'SINGLE STEP' SOLUTION: TIMESCALE, MILESTONES AND ACTIONS REQUIRED

A significant principle currently under discussion by union officials and LGA is the meeting of both short and long term pensions reform objectives by a single step to a new scheme earlier than the 2015 date proposed in the reference scheme.

The principle under discussion is:

Principle 1. A single solution to both short and long term issues by the early introduction of the new scheme (regulations by April 2013 and implementation from April 2014).

This document sets out the timescale, milestones and actions which would be required in order to put this principle into effect.

OBJECTIVE

The timescale for this process is determined solely by the requirement to have regulations in place by the 30th March 2013. Without regulations being in place by that date fund actuaries will not be able to take the effect of scheme changes into account for the 2013 valuation and therefore short term reform objectives will not be able to be met.

Having regulations in place by March 2013 also provides sufficient time for the necessary changes to systems, process and most importantly member communications to be made.

Recognising the constraints we face the timescale envisages a four stage approach. The approach has the objective of achieving all four stages but also that stages 1 to 3 are absolutes whilst stage 4 could be delayed.

Stage 1 – agreement on principles and timescales

Stage 2 – agreement on ‘big ticket items (contributions, accrual rate, revaluation rate, protections, employer cap, cost management mechanism - outline),

Stage 3 – agreement on remainder of scheme design and cost mechanism details

Stage 4 – agreement on mechanism to provide assurance of effective management of individual funds

TIMETABLE

- Nov/December 2011 – discussions on stage 1, consultation and sign off process for unions and employers, submission to ministers for approval
- Jan to April 2012 – discussions on stage 2, consultation by unions and employers on proposals resulting from discussions, costing of stage 2 scheme by GAD
- April to September 2012 – joint communication programme for scheme members, redesign of systems and procedures, setting up of cost management mechanism, commence drafting of regulations
- April to November 2012 – discussions on stages 3 and: 4, consultation by unions and employers on proposals resulting from discussions, costing of stage 3 scheme by GAD
- September 2012 to March 2013 –,consultation on and making and laying new scheme regulations to reflect the outcome of the above process
- March 2013 - commencement of scheme valuation
- October 2013 –initial valuation results
- October 2013 to March 2014 – pre implementation communications for members and employers, parallel run of systems and procedures, test run of cost management mechanism against model scheme
- April 2014 – New scheme in place, new employer contributions from 2013 valuation in effect

MILESTONES

In order for the process to be achieved successfully the following milestones will need to be met;

- By 31st December 2011 –stage 1 principles for scheme design and cost management agreed by unions and employers and accepted by government as a robust direction of travel
- By April 2012 – agreement on stage 2: the ‘big ticket’ items for the new scheme. Acceptance by government of cost management mechanism. Achievement of this milestone to be managed as set out in the section which follows entitled **Stage 2 decision management process**.
- By September 2012 – commencement of process required to draft regulations and complete statutory consultation. Recognising that consultation may overlap the process below
- By November 2012 – agreement of and consultation on stages 3:and 4. Recognising that consultation may overlap the DCLG process above
- By 30th March 2013 – new regulations in place

ACTIONS

In order to achieve the above timescale and milestones the following actions will be required some of which will be the responsibility of others to ensure the timetable is adhered to.

- Formal sign off/acceptance processes to be completed by both employers and unions within timescales shown (e.g. employers side will require approval by Executive at stage 2)
- An independent equality impact assessment to be carried out at stages 2 and 3 to ensure that the proposals are fair and meet all legislative equality requirements in intention and effect.
- Response by government to the principles and proposals at stages 1 and 2
- Necessary calculations to be commissioned by DCLG and produced by GAD and/or ACA for the proposed scheme at stages 2 and 3 within the timescale shown

STAGE 2 DECISION MANAGEMENT PROCESS

It is imperative that assurance is provided to all stakeholders of the commitment to achieve the objectives of stage 2 within the timescale. The

agreement of the 'big ticket' items is vital to the success of the overall project and will therefore require robust management of the time and resources available. It is therefore intended to use the principles of PRINCE2 project management to ensure an effective outcome.

The process will therefore include

1. LGA to provide secretariat and project management support for the process to include the provision of a project plan, setting and hosting meetings, taking minutes, maintaining an actions log, a risk log and the provision of regular reporting.
2. The project plan to include objective dates for agreement in principle on the following scheme elements:
 - Confirmation of the basis of the scheme design (e.g. CARE)
 - The accrual rate for the scheme
 - The revaluation rate
 - The actuarial methodology for variation to benefits either side of the NPA
 - The value, distribution and phasing of any employee contribution increases
 - Transitional protections
 - The parameters of the employer cap and collar
 - The mechanism for variation of the elements to maintain scheme costs within the cap and collar values
 - Recommendations on best practice in governance and procurement

together with sufficient time for the necessary consultation and formal agreement process for both unions and the LGA. This project plan to be available in draft form to the first meeting of the project team.

3. The creation of project team to work up costed options for the above elements, consider the implications of each on the overall cost balance and equality impact of the new scheme and make recommendations to the project board. This team to meet weekly and consist of officials from lead unions(to include pensions officers) , LGA and DCLG.
4. The creation of a project board to include union leads, lead members from LGA and senior DCLG officials to meet fortnightly and have the ability to ratify in principle the recommendations of the working group. This group would also have responsibility for ensuring the elements of the project plan are adhered to including the identification of blockages and the action required to rectify any slippage.
5. Support from GAD, ACA and Treasury officials to provide accurate and agreed costings of the options and agreed recommendations

6. Fortnightly reporting to DCLG and Treasury ministers and LGA executive on progress against the plan, blockages and risks identified and any remedial action being taken.
7. The project team to meet first on the 3rd January and then on each Monday. The project board to meet first on the 11th January and then every second Wednesday. Reports to be available to DCLG and Treasury ministers firstly on the 13th January and then on every second Friday.

Final version 1.9

LGA Head of pensions
15th December 2011

WYFRA	HUMAN RESOURCES COMMITTEE	30 March 2012	ITEM No 6
--------------	--------------------------------------	----------------------	--------------------------------

REPORT OF: Director of Human Resources

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

RECOMMENDATION: That Members note the report.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS

EXEMPTION CATEGORY:

ACCESS CONTACT OFFICER: Pauline Braisher, Recruitment and Pensions Officer

BACKGROUND PAPERS OPEN TO INSPECTION:

SUMMARY

This report details the new regulations relating to workplace pensions and 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 saving. From 2012 it is planned that all eligible workers, who are not already in a good quality workplace scheme, will be automatically enrolled into a qualifying workplace pension scheme.
- 1.3. The provisions of the Act will be 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 will be in October 2012.

2 INFORMATION

- 2.1 Employers must automatically enrol eligible workers' between the ages of 22 and State Pension Age into a qualifying workplace pension scheme and make a contribution of at least 3% towards it.
- 2.2 It is expected that the Local Government Pension Scheme will be amended to meet the requirements of auto-enrolment. There is currently no information regarding the Firefighter Pension Schemes.
- 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 On their staging date, employers need to assess their employees to determine which of the worker types they fall into.
 - a. *An **eligible worker** is an employee aged between 22 and state pension age and earning above the income tax personal allowance (£7,475 in 2011/12). Contributions will be payable on earnings between £5,035 and £33,540.*

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 £5,035) but below the earnings trigger for automatic enrolment (currently £7,475) Or is aged at least 16 and under 22, or between state pension age and under 75, and earns above the earnings trigger for automatic enrolment (currently £7,475).*

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.

- 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 £5,035).*

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.

We 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.

With regard to those employees who will be affected, communication must take place shortly before automatic enrolment or within one month.

2.8 Employers :

- must monitor their personnel and payroll systems each month to check whether any employee becomes an eligible employee.
- must keep records for up to six years.
- must, 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 will not be allowed to issue opt-out forms, which will be provided by the scheme administrators.
- 2.9 WYFRS's payroll is dealt with by Kirklees Council so the Authority's staging date will be in line with that of Kirklees, currently expected to take effect in February 2013.
- 2.10 WYFRS is working closely with Kirklees and West Yorkshire Pension Fund to maximise efficiencies relating to implementation of the Acts' provisions.
- 2.11 Failure to follow the prescribed procedures could result in an employer incurring fines of up to £10,000 per day.
- 2.12 As at February 2012 there are 168 employees who are not members of a pension scheme although this includes wholetime retained firefighters who may be a member in their wholetime capacity.

3 FINANCIAL IMPLICATIONS

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

4 EQUALITY & DIVERSITY IMPLICATIONS

- 4.1 There are no direct equality and diversity implications arising from this report

5 HEALTH & SAFETY IMPLICATIONS

- 5.1 There are no health and safety implications

6 SERVICE PLAN LINKS

- 6.1 **Priority Number 4:** to provide an effective and ethical governance and achieve value for money in managing resources.

WYFRA	HUMAN RESOURCES COMMITTEE	30 March 2012	ITEM No 7
--------------	--------------------------------------	----------------------	---------------------------

REPORT OF: Director of Human Resources

PURPOSE OF REPORT: Future of the Fire Service College - update

RECOMMENDATIONS: Members note the content of this report

A further report is submitted to Human Resources Committee following the sale of the Fire Service College which includes all key issues that impact on West Yorkshire Fire and Rescue Service

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS

EXEMPTION CATEGORY:

ACCESS CONTACT OFFICER: AM Rhodes 01274 655704

BACKGROUND PAPERS OPEN TO INSPECTION:

SUMMARY

This paper provides an update on the Future Options Project for the Fire Service College.

1. Background

1.1. The Fire Service College provides Operational training, Incident Command training and a range of other courses such as Fire Safety training. West Yorkshire Fire and Rescue Service use the Fire Service College to train personnel and Instructors that work in WYFRS Training Centre.

2. Information

2.1. On 15 December 2011 Neil O'Connor, Director of Fire, Resilience and Emergencies at the DCLG provided Chief Fire Officers with an update on the Future Options Project for the Fire Service College.

2.2. The Chief Fire Officers Association (CFOA) provided a further update on 19 December 2011 in relation to:

- Discussions they have been having with DCLG to inform and influence the Future Options Project and to seek reassurance that if the Fire Service College is sold to a private investor, Operational training and Incident Command training would continue to be provided.
- Discussions are being undertaken with the Police and other agencies about providing joint training in order to support interoperability.
- A proposal was also put forward whereby Fire and Rescue Service maintain a share (10%) in the Fire Service College if it was to be sold to a private investor.

2.3. The Fire Commission received a presentation on 17 February 2012, the key items were:

- Government wants to move to a new model that secures the College's future, supports national resilience and provides best value for the public purse.
- The Pre-Market Engagement exercise revealed considerable private sector interest in the College.
- The LGA have decided against the proposal to transfer a 10% stake to the FRSs.
- CLG will transfer the assets and liabilities of the College into a new company and sell 100% of the new company to the successful bidder.
- The preferred option is to sell the College, including its land and buildings, outright. However, a long lease option will be considered if this generates more bidder interest.

2.4. To preserve Government's interests and ensure that national resilience is not compromised CLG will place conditions on the sale:

- The site continues to offer Fire & Rescue and wider emergency services training.
- The FRS and the wider emergency services are involved in setting the overall direction of training delivery.
- National resilience assets such as the USAR rig continue to be available for use by Government and the site continues to be available at short notice for large multi-agency exercises.

- Government approval is required for change of use of the site or the sale of the College other than as a going concern.

2.5. The timetable for 2012 is as follows:

- | | |
|---|--------------|
| • Announce sale | March |
| • Launch process | April |
| • Receive and evaluate indicative bids | May |
| • Due diligence | May to June |
| • Receive and evaluate final bids | June to July |
| • Selection of preferred bidder | July |
| • Contract negotiation and TUPE process | July to Sept |
| • Targeted completion date | September |

3. Financial Implications

3.1. There are no financial implications arising directly from this report, however the Fire Service College has revised its pricing structure for courses and implemented flexible ways of providing training. This will result in West Yorkshire Fire and Rescue Service benefiting from current courses costing less.

4. Equality and Diversity Implications

4.1. There are no direct equality and diversity implications arising from this report for WYFRS. The CLG are responsible for the equality considerations in the procurement process.

5. Health and Safety Implications

5.1. There are no direct H&S implications arising from this paper.

6. Link to Service Plan

6.1. The Fire Service College's intention to support national resilience and deliver high quality training and assessment to Fire and Rescue Services and other emergency services supports West Yorkshire Fire and Rescue Services' strategic priorities to:

- Provide a safe competent and diverse workforce.
- Deliver a professional and resilient emergency response service.
- Deliver a proactive fire prevention and protection programme.

7. Recommendations

7.1. Members note the content of this report.

7.2. A further report is submitted to Human Resources Committee following the sale of the Fire Service College, which includes all key issues that impact on West Yorkshire Fire and Rescue Service.

WYFRA	HUMAN RESOURCES COMMITTEE	30 March 2012	ITEM No 8
--------------	--------------------------------------	----------------------	---------------------------

REPORT OF: Director of Human Resources

PURPOSE OF REPORT: To present the 2012/13 Equality and Diversity Action Plan to ensure compliance with the Public Sector Equality Duty

RECOMMENDATION: To approve the 2012 – 13 Equality and Diversity Action Plan.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS

EXEMPTION CATEGORY:

ACCESS CONTACT OFFICER: Maria Tonks Corporate Diversity Manager

BACKGROUND PAPERS OPEN TO INSPECTION:

SUMMARY

Public authorities listed in Schedule 1 and 2 of the Equality Act 2010 (Specific Duties) Regulations 2011 must prepare and publish one or more objectives that should achieve any of the things listed in the general equality duty by 6 April 2012. The objectives must be published in such a manner that they are accessible to the public.

1. BACKGROUND

- 1.1 The Equality Act presented by the Government in 2010 introduced a general and specific duty across the 9 protected characteristics. The specific duty came into effect on the 1 July 2011 and sets a range of legal responsibilities on public authorities.

2. INTRODUCTION

- 2.1 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

- 2.2 Public authorities listed in Schedule 1 and 2 of the Equality Act 2010 (Specific Duties) Regulations 2011 must:

- Prepare one or more objectives that should achieve any of the things listed in the general equality duty
- Publish these objectives by 6 April 2012
- Ensure the objectives are specific and measurable
- Publish those objectives in such a manner that they are accessible to the public.

- 2.3 The purpose of setting objectives is to assist authorities to better perform the general equality duty, focussing on the outcomes to be achieved.

- 2.4 The key principle underpinning the public sector equality duty is proportionality. The number of objectives set and their level of ambition will depend on the size and role of the authority and the relevance of equality and good community relations.

- 2.5 The Regulator, the Equality and Human Rights Commission, advises that equality objectives should be seen as part of the business plan and as supporting its delivery. Desired outcomes are more likely when objectives are seen as an integral part of business performance. The 2012/13 Equality and Diversity Action Plan once again underpins the Service Action Plan.

- 2.6 There is no explicit legal requirement under the general duty to engage with people with different protected characteristics. However there is a requirement

to have an adequate evidence base for any decision making. A failure to engage has been at the heart of findings from previous equality duty case law where a public authority has not complied with the equality duty.

- 2.7 Consultation and engagement in WYFRS is an integral part of normal activities. This has contributed to the development of a range of interventions/training packages targeted towards 'At Risk' groups in the community, the development of the Integrated Risk Management Plan, Service Action Plan and therefore the Equality and Diversity Action Plan.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications associated with this report.

4 EQUALITY AND DIVERSITY IMPLICATIONS

- 4.1 This is an equality and diversity paper.

5 SERVICE PLAN LINKS

- 5.1 The approval of this equality and diversity action plan directly relates to the following strategic priorities within the Service Plan: -

- Deliver a proactive fire prevention and protection programme
- Deliver a professional and resilient emergency response service
- Provide a safe competent and diverse workforce
- Provide effective and ethical governance and achieve value for money resources
- Be an excellent fire and rescue authority

5 RECOMMENDATION

- 5.1 To approve the 2012/13 Equality and Diversity Action Plan.

BE AN EXCELLENT FIRE AND RESCUE AUTHORITY



We will:

Continue to develop equality and diversity initiatives and measure the impact on community safety

Our action:

Continue to involve At Risk communities in the design and delivery of interventions that deliver improved outcomes

Monitor performance through the Service Delivery Board


Report outcomes to the Authority quarterly

Capture and publish success stories to provide evidence of:

- improved outcomes for At Risk communities and for employees,
- partnership working,
- how WYFRS is meeting its Equality Duties,
- how and why WYFRS is an Excellent Service,
- and to share best practice


Actively encourage Representative Bodies to fulfil a positive role in delivering a wide range of service and workforce objectives

DELIVER A PROACTIVE FIRE PREVENTION AND PROTECTION PROGRAMME

	<p><i>We will:</i></p> <hr/> <p>Complete 54,200 Home Fire Safety Checks and pilot a new targeted approach in one district</p>	<p><i>Our action:</i></p> <hr/> <p>Continue to develop sophisticated ways of collecting segmented data and intelligence about our local communities to improve Service Delivery.</p> <p>Reduce the severity and likelihood of the risks experienced by vulnerable individuals/groups associated with the following factors:</p> <ul style="list-style-type: none"> • Elderly, living alone, hearing or visual impairment, mobility, disability which compromises escape, substance abuse, mental ill health, degenerative illnesses, smoking, medication, oxygen use, children/young people playing with fire, arson/hate crime, candles, cooking, socio-economic deprivation <p>Specific partnerships or resource packages required for targeting individuals or groups deemed to be At Risk will continue to be developed, to support District and local priorities</p> <p>Specific tailored interventions will continue to be provided for High Risk individuals</p>
	<p>Develop a competence-based Home Fire Safety Check/Prevention training programme for operational staff</p>	<p>Continue to deliver Service Delivery Community Guidance on West Yorkshire communities</p>


WYFRS CORPORATE EQUALITY AND DIVERSITY ACTION PLAN 2012-2013

DELIVER A PROFESSIONAL AND RESILIENT EMERGENCY RESPONSE SERVICE


	<p><i>We will:</i></p> <p>Complete a review of Personal Protective Equipment provision and purchase replacement firefighting kit for operational personnel</p>	<p><i>Our action:</i></p> <p>Ensure procurement and decision-making processes take account of information from equality analysis</p>
	<p>Complete a review of Breathing Apparatus provision and commence a replacement programme</p>	<p>Ensure the review considers the requirements of employees with dyslexia</p>
	<p>Introduce a Fire Response Unit in the Leeds District and resilience pump to replace the second fire appliance at Moortown</p>	<p>Equality analysis to inform the decision making process</p>
	<p>Complete an evidence-based risk assessment of changes for emergency cover during 2013-16 and consult internally and externally on the proposed changes</p>	<p>WYFRS to publicly demonstrate how equality analysis of At Risk communities has informed the decision-making process</p>

WYFRS CORPORATE EQUALITY AND DIVERSITY ACTION PLAN 2012-2013

PROVIDE A SAFE COMPETENT AND DIVERSE WORKFORCE

	<p><i>We will:</i></p> <p>Implement a fundamental review of the organisation by March 2013</p>	<p><i>Our action:</i></p> <p>Provide clear, specific equality analysis on the implications of business decisions relating to the fundamental review</p>
	<p>Provide a healthy and safe workforce</p>	<p>Continue to take a zero tolerance approach towards inappropriate behaviour in the workplace</p> <p>Continue to implement and promote innovative working practices such as flexible working, to deliver equality outcomes for the whole workforce</p>

PROVIDE EFFECTIVE AND ETHICAL GOVERNANCE AND ACHIEVE VALUE FOR MONEY IN MANAGING RESOURCES

	<p><i>We will:</i></p> <p>Refurbish Castleford and Rothwell fire stations and provide Day Crewing Close Call accommodation</p>	<p><i>Our action:</i></p> <p>Ensure Equality Analysis is an integral part the specification, design and use of buildings</p>
	<p>Agree design standard for the construction of the five new fire stations</p>	<p>Ensure Corporate Diversity are part of the design working group</p>
	<p>Review and implement a detailed study of information technology and mobile communication devices issued to personnel to ensure value for money</p>	<p>Ensure disability-related issues are taken into account in the review</p>

WYFRA	HUMAN RESOURCES COMMITTEE	30 MARCH 2012	ITEM No 9
--------------	--------------------------------------	----------------------	--------------------------------

REPORT OF: Director of Human Resources

PURPOSE OF REPORT: To request approval of the Mediation Policy

RECOMMENDATION: That the report is approved

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS

EXEMPTION CATEGORY: None

ACCESS CONTACT OFFICER: Christine Cooper, Human Resources Manager
01274 655741

BACKGROUND PAPERS OPEN TO INSPECTION:

SUMMARY

The policy outlines the process managers and employees should follow when mediation may be appropriate in resolving workplace disputes between employees

1 BACKGROUND AND INFORMATION

- 1.1 In April 2009 when ACAS introduced the new code of practice on discipline and grievance, it encouraged the introduction of mediation as a way for employees to resolve workplace disputes. Consequently, a Mediation Management Guidance Procedure was produced.
- 1.2 When the Mediation Management Guidance was introduced in 2009 the Authority had only one trained Mediator, which was not sufficient for the size of the organisation. Management recognised the need for a number of West Yorkshire Fire Service employees to be formally trained by ACAS on workplace mediation and this was organised in September 2011.
- 1.3 The Authority now has ten trained mediators from both Green and Grey book staff at both managerial and non-managerial level.
- 1.4 As a result of feedback from the mediation training and the mediators involved in the mediation process, it was felt that a Mediation Policy was required which provided more in depth detail than the current Mediation Management Guidance.
- 1.5 The attached policy outlines the process managers and employees should follow if they feel mediation may be appropriate to resolve a workplace dispute. It details what exactly mediation is, when it should be used and what occurs during the mediation process.
- 1.6 The policy was approved by Management Board on February 8th 2012 and the representative bodies have been consulted.

2 FINANCIAL IMPLICATIONS

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

3 EQUALITY & DIVERSITY IMPLICATIONS

- 3.1 The Mediation Policy provides an alternative route to resolve internal disputes between employees.

4 HEALTH & SAFETY IMPLICATIONS

- 4.1 Work related disputes can cause significant stress & associated health problems to those involved. The mediation policy provides a route to resolving them in a timely and acceptable manner.

5 SERVICE PLAN LINKS

- 5.1 To provide a safe, competent and diverse workforce

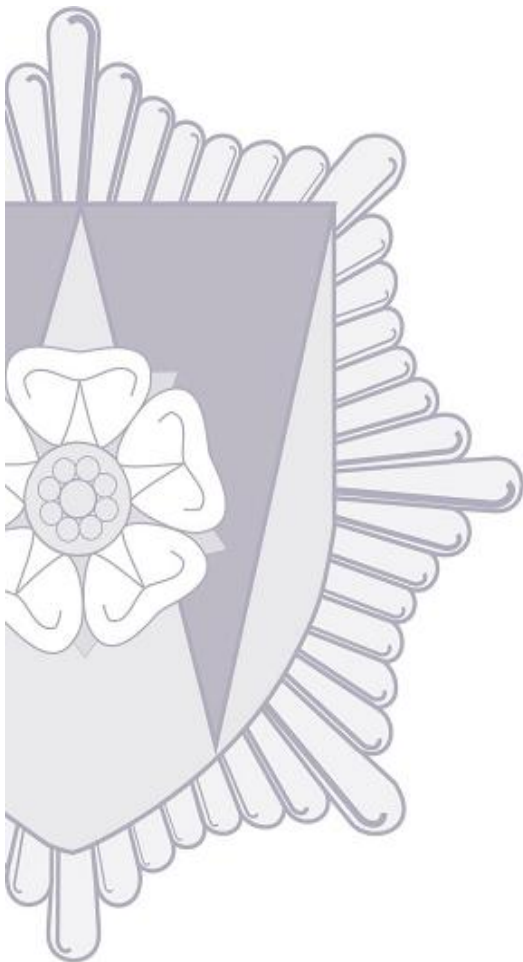
6 RECOMMENDATION

- 6.1 That the policy is approved.

Employment Services Policy

09 - Mediation Policy annex

Green & Grey



West Yorkshire Fire & Rescue Service

Oakroyd Hall

Birkenshaw

Bradford

BD11 2DY

Date Issued: 01/02/2012
Ref: ES-POL009

Review Date: 01/02/2014
Version
of 111VersionString

09 - Mediation Policy annex

1 INTRODUCTION

- 1.1 West Yorkshire Fire and Rescue Service encourages harmonious, amicable and positive working relationships between colleagues and is committed to resolving conflict at the earliest opportunity.
- 1.2 In most cases conflict is resolved informally between employees and the manager, however where this is not possible and the conflict has gone too far, then mediation may be a solution.
- 1.3 West Yorkshire Fire and Rescue Service has several ACAS qualified internal mediators (both Grey and Green book) who's names shall remain confidential. Their details will only be disclosed when the mediator has been allocated by the Senior Human Resources Manager, who will be the co-ordinator of the mediation process.

2 WHAT IS MEDIATION?

- 2.1 Mediation is a confidential and voluntary process in which an independent person (a mediator) helps people in a workplace dispute to explore and understand their differences so that they can reach a mutually agreeable outcome.
- 2.2 Mediation is based on collaborative problem-solving, with the focus on rebuilding working relationships as early as possible, rather than apportioning blame. Employees are encouraged to take ownership of their own decisions and to accept responsibility for the consequences of their actions.

3 WHEN TO USE MEDIATION

- 3.1 Mediation may be appropriate in some cases to resolve workplace conflict which is as a result of:
 - Poor interpersonal relations
 - Poor working practices
 - Bullying/harassment
 - Poor communication
 - Poor management
 - Unclear job roles
 - Inadequate training
- 3.2 Employees are encouraged to consider mediation at the earliest possible opportunity before any formal action is taken in relation to the Grievance, Discipline, Dignity and Respect Procedures, however this is not always possible and the issue may be too serious for mediation to be considered.

09 - Mediation Policy annex

- 3.3 Mediation may not be appropriate where an individual raising bullying, harassment or victimisation concerns requires the allegations to be formally investigated or where a manager is trying to avoid their managerial responsibilities.

4 THE BENEFITS OF MEDIATION

- 4.1 Mediation can be of benefit to the individuals involved and the organisation. By involving an independent mediator, the process is collaborative rather than adversarial. The amount of time that managers need to spend resolving any disputes should be reduced.

5 THE ROLE OF THE MEDIATION CO-ORDINATOR

- 5.1 If an employee feels that mediation may be appropriate they should, in the first instance, contact their manager who will then seek advice from the Senior Human Resources Manager (the Mediation Co-ordinator), providing the full facts of the case by completing the form ESFRM217.
- 5.2 The role of the Mediation Co-ordinator will be to:
- Determine whether mediation is appropriate
 - Appoint an appropriate mediator to the case
 - Advise the mediator of the parameters of the process
 - Intervene where either party has concerns over the impartiality of the appointed mediator
 - Ensure both parties sign a Mediation Agreement form (ESFRM218)
 - Monitor and evaluate the benefits of each mediation process through an evaluation form (ESFRM220)

4 THE ROLE OF THE MEDIATOR

- To organise all meetings between all parties in works time
 - To arrange the booking of rooms
 - To determine how many meetings are required
 - To explain the mediation process to both parties
 - To help both parties to clarify the issues that need addressing
 - To assist the individuals to identify possible solutions
 - To decide if mediation is not working and if the process should be terminated
- 5.1 Any arrangements/work required in relation to the mediation process should be conducted during the course of the mediator's working day.
- 5.2 Any additional costs such as overtime (if it is not possible to organise mediation meetings during working hours), travelling and lunch expenses, must be authorised in advance by the Mediation Co-ordinator.

5 THE MEDIATION PROCESS

6.1 Once both parties have agreed to mediation and a suitable mediator has been appointed by the Mediation Co-ordinator then both parties should sign the initial Mediation Agreement form (ESFRM218) to indicate their willingness to proceed with the process and accepting the process is completely confidential.

6.2 Pre-meeting

The mediator will meet both parties individually for the purpose of:

- Explaining their role as mediator
- Explaining how the mediation process will work including confidentiality
- Defining the key issues for both parties
- Ensuring mutually agreed outcomes for both parties

5.3 Joint Meetings

The mediator will arrange dates, times and venues suitable to all parties where confidentiality can be preserved.

The mediator will:

- Explore the key issues
- Encourage communication
- Manage any conflict
- Encourage a mutual understanding about the problem
- Encourage the individuals to focus on looking to the future
- Summarise areas of consensus and disagreement

Any notes taken during the process will be destroyed at the conclusion of the mediation with the exception of the written agreements between the parties.

5.4 The Mediation Outcomes Agreement

If a mutual agreement is reached either in part or in full, the mediator will record the details in writing (form ESFRM219) and all parties will sign the agreement and a copy will be forwarded to the Mediation Co-ordinator. In certain cases, it may be appropriate that the employees' line manager(s) is/are given a copy of the Mediation Outcomes Agreement providing both parties concur.

If mediation does not achieve the desired outcomes and the parties involved cannot come to an agreement, then all parties have recourse to the internal Grievance, Discipline or Dignity and Respect Procedures, whichever is relevant. However, the mediator cannot be called to participate in any internal procedures due to the confidentiality of the mediation process.

WYFRA	HUMAN RESOURCES COMMITTEE	30 March 2012	ITEM No 10
--------------	--------------------------------------	----------------------	----------------------------

REPORT OF: Director of Human Resources

PURPOSE OF REPORT: To request approval of the amendments to the Early Termination Policy

RECOMMENDATION: That Members approve the amendments to Appendix B of the Early Termination Policy

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS

EXEMPTION CATEGORY:

ACCESS CONTACT OFFICER: Hilary Brown, Senior Human Resources Manager

BACKGROUND PAPERS OPEN TO INSPECTION:

Personnel and Training report, 24th September 2010 – Early Termination Policy and Voluntary Severance terms

SUMMARY

This report requests approval for the revised Early Termination Policy. The substantive policy was previously approved by Members in September 2010. This report seeks approval to certain changes to the terms and conditions of severance in relation to one group of staff; those who were formerly employed as Firefighters and subsequently transferred into non-operational posts without a break in continuous service

1 BACKGROUND

- 1.1 In September 2010 Members were requested to approve the Early Termination policy. The policy had been written to assist in the implementation of structural changes to the non-operational (Green Book) structure of the organisation as a response to the Comprehensive Spending review.
- 1.2 As Members will be aware a Fundamental Review of the organisation is underway and there will be a need at the conclusion of the review to utilise the Early Termination Policy again. As part of the Fundamental review the early termination policy was also reviewed.
- 1.4 It became clear that for a small group of people the enhanced redundancy terms, which Members had earlier approved, were not suitable and provided that group with inflated benefits.

2 INFORMATION

- 2.1 Currently there are 17 Green Book staff members who have previously served as operational, Grey Book officers. At the time they transferred, they did not have a break in service before re-joining in their Green Book role and therefore have continuous service in West Yorkshire Fire and Rescue service. They are in receipt of their firefighter's pension and lump sum.
- 2.2 The revised Appendix B attached, amends the voluntary severance terms from that of other Green Book staff members. For the period of their service in a Grey Book role they will be offered compulsory severance terms, the current statutory maximum multiplier for a weeks' wage is £430 based on a cap of 20 years' service: -
 - The calculation is based on the statutory redundancy calculation
 - 0.5 weeks' pay for each year of service under the age of 22
 - 1.0 weeks' pay for each year of service between and including ages 22 and 41
 - 1.5 weeks' pay for each year of service over the age of 41.
- 2.3 In addition, for the period they have been employed as a green book member of staff they would be entitled to the enhanced terms, based on actual weekly wage with a cap of 52 weeks: -
 - 1 weeks' pay for each year of continuous service up to age 22,
 - 1.5 weeks' pay for each year of continuous service between and including ages 22 and 41 and
 - 2 weeks' pay for each year of continuous service over the age of 41.

3 FINANCIAL IMPLICATIONS

- 3.1 The total cost for paying all these 17 members of staff the full enhanced redundancy package would be £422700. By utilising the proposed severance package for this group the cost would be £277800 which is a potential saving of £144500. This saving is based on all 17 members of staff applying and being approved for voluntary severance.

4 EQUALITY & DIVERSITY IMPLICATIONS

- 4.1 The enhanced redundancy terms that Members had earlier approved provide a small group of staff with inflated benefits. The revised policy will address this equality issue.

5 HEALTH & SAFETY IMPLICATIONS

- 5.1 None from this report.

6 SERVICE PLAN LINK

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

7 CONCLUSIONS

- 7.1 This small group of individuals stand to benefit to a much greater extent than other staff taking voluntary severance.
- 7.2 The revised policy should be approved and applied to the voluntary severance taking place later this year.

Appendix B - Guidance on Reduction in Workforce Numbers

1 Introduction

- 1.1 In order to implement the reduction in the staffing establishment a process needs to be followed which is logical and well-coordinated. Staff and representative bodies will require timely and adequate information upon which to base their choices and to ensure that all staff are given opportunities to avoid compulsory redundancy where possible.

2 Selection

- 2.1 Management Board will determine the overall number of staff at risk of redundancy usually by way of department/unit restructure which meets the financial requirements of the Service
- 2.2 The next stage of the process will be to offer early retirement/voluntary severance within Directorates.

3 Severance Package for Voluntary Severance

- 3.1 **The voluntary severance package is designed to recognise and reward the long service of WYFRA's staff. The enhancements will be applied in two different ways:**
- a) **Those members of staff who are now subject to National Joint Council For Local Government Services (Green Book) to include previous continuous service with other local government.**
 - b) **Those members of staff who were previously subject to the National Joint Council for Local Authority Fire and Rescue Conditions of Service (Grey Book) where there has been continuous service, i.e. no break of service between grey and green book roles.**
- 3.2 **In terms of staff whose service is entirely Green Book the enhanced rate is capped at 52 weeks' salary, based on : -**
- **1 weeks' pay for each year of continuous service up to age 22,**
 - **1.5 weeks' pay for each year of continuous service between and including ages 22 and 41 and**
 - **2 weeks' pay for each year of continuous service over the age of 41.**
- 3.3 **For those members of staff who have had no break in service between Grey Book and Green Book employment, there will be two calculations, 1) Green Book service will be calculated as per paragraph 3.2, and 2) previous Grey Book service will be dealt with as if it were compulsory severance. This calculation is based on the employees age and length of continuous service (maximum 20 years).**
- **The calculation is based on the statutory redundancy calculation**
 - **0.5 weeks' pay for each year of service under the age of 22**
 - **1.0 weeks' pay for each year of service between and including ages 22 and 41**
 - **1.5 weeks' pay for each year of service over the age of 41.**
- 3.4 Requests for voluntary early retirement/redundancy will be accepted only at Management discretion. This decision will be final.

- 3.5 Posts, remaining following Directorate restructures, will be offered on a ring fenced/slotting in basis, to those at risk of redundancy. (See Redeployment Policy) either from a combined redundancy pool or by a pool contained within a Directorate.

4 Compulsory Redundancy

- 4.1 Selection for compulsory redundancy will be based on the following criteria and will follow an assessment by MB members as to the organisational need for the post:
- I. Assessment of employee's attendance record. Account will be taken of the extent and reasons for periods of absence. (The Bradford factor model). Absences due to disability, pregnancy, maternity, paternity, adoption and parental leave will be discounted.
 - II. Assessment of employees conduct and performance records during their employment within the Service.
 - III. Assessment of the skills and expertise of the employee, usually using PDR records, with regard to any revised organisational needs following any restructure as referred to above.

5 Severance Package for Compulsory Redundancy

- 5.1 See Early Termination Policy

6 Applying the Criteria

- 6.1 Any compulsory redundancies will be determined following the restructure of units, voluntary severance and redeployment processes.

7 Appeals

- 7.1 Appeals against selection for compulsory redundancy, where employees feel that the selection criteria have been unfairly applied will be heard by a Director who has not been involved in the selection process for redundancy to which the appeal relates. Appeals must be submitted in writing to the Senior Human Resources Manager within 7 days of the date of notice of redundancy. A meeting to hear the appeal will then be arranged within 10 days of the receipt of the appeal. Employees have the right to be accompanied by a Trade Union representative or a work colleague at the meeting.

8 Re-grading Of Posts and Protection

- 8.1 As a result of restructures there may be consequent changes to grades (Green Book staff only) e.g. where a supervisor has no longer any staff to manage their grade maybe reduced. Management will be determining those grades using the parameters of the NJC evaluation scheme but a joint Unison/Management panel will not be used.
- 8.2 It is proposed that protection of current grades should be for 1 year. It is further proposed that there should be no appeals against the re-grading of posts as this is too unwieldy and will prevent timely implementation of new structures.