

## **SOUTH WALES FIRE & RESCUE AUTHORITY**

**COMMITTEE:** HR & Equalities

**DATE:** Monday 14 November 2011 at **1030 hours**

**VENUE:** South Wales Fire & Rescue Service  
Headquarters, **Conference Room**, Forest View  
Business Park, Llantrisant CF72 8LX

### **A G E N D A**

1. Roll Call and Apologies for Absence.
2. Declaration of Interests.

Members of the Fire & Rescue Authority are reminded of their personal responsibility to declare both orally and in writing any personal and/or prejudicial interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Fire & Rescue Authority's Standing Orders and the Members Code of Conduct

3. To receive the minutes of:
  - HR & Equalities Meeting held on 11 July 2011 3
4. Report On The Occupational Health Unit Activity - 1 April 2010 To 31 March 2011 7
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10.	Grievance And Discipline Issues April To August 2011	77
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Signature of Proper Officer:



## MEMBERSHIP

Councillors:

Cllr	S	Bradwick	Labour
Cllr	J	Daniel	Plaid Cymru
Cllr	D T	Davies	Labour
Cllr	D	Hando	Liberal Democrat
Cllr	K	Hyde	Liberal Democrat
Cllr	C	James	Labour
Cllr	S J	Jones	Labour
Cllr	J	Singh	Plaid Cymru
Cllr	R	McKerlich	Conservative
Cllr	W	Tomlinson	Labour
Cllr	G	Price	Independent
Cllr	V	Smith	Conservative
Cllr	G	Stacey	Labour
Cllr	E T	Williams	Conservative
Cllr	RJW	Greenland	Conservative

**SOUTH WALES FIRE & RESCUE AUTHORITY**  
**MINUTES OF THE HR & EQUALITIES MEETING**  
**HELD ON MONDAY 11 JULY 2011 AT**  
**SOUTH WALES FIRE & RESCUE SERVICE HEADQUARTERS**

**01. PRESENT:**

<b>Councillor</b>	<b>Left</b>	<b>Authority</b>
R McKerlich (Chairman)		Cardiff
J Daniel (Vice-Chairman)		Rhondda Cynon Taff
D T Davies		Caerphilly
C James		Bridgend
S Jones		Rhondda Cynon Taff
J Singh		Cardiff
G Stacey		Rhondda Cynon Taff
E T Williams		Vale of Glamorgan

**APOLOGIES:**

S Bradwick		Rhondda Cynon Taff
R J W Greenland		Monmouthshire
D Hando		Newport
K Hyde		Cardiff
G Price		Merthyr Tydfil
V E Smith		Monmouthshire
W Tomlinson		Torfaen

**ABSENT:**

**OFFICERS PRESENT:-** ACO P Haynes – Director of People Services, ACO S Chapman – Director of Corporate Services

**02. DECLARATIONS OF INTEREST**

Each Member declared a personal non-prejudicial interest in each agenda item which affected their Authority.

### **03. MINUTES OF PREVIOUS MEETING**

The minutes of the HR & Equalities meeting held on 11 April 2011 were received and accepted as a true record of proceedings.

The ACO People Services confirmed Members would receive a report containing full facts on Disciplinary Dismissal Appeals at the Fire Authority meeting on 26 September 2011.

### **04. HUMAN RESOURCES DEPARTMENT STRUCTURE AND FUNCTION**

The ACO People Services presented a report on the current organisational structure and functions established within the Human Resources Department. The report also included the major objectives facing the Department which have been identified within the HR Directorate and Departmental Plans 2011/2012.

#### **RESOLVED THAT**

04.1 Members noted the content of the report.

04.2 Members agreed with the proposed future work programme and committee reports.

### **05. TRAINING & DEVELOPMENT DEPARTMENT STRUCTURE & FUNCTION**

The ACO People Services presented a report to Members detailing the current organisational structure and functions established within the Training & Development Department that have been identified within the People Services Directorate and Departmental Plans 2011/12.

#### **RESOLVED THAT**

05.1 Members noted the content of the report.

05.2 Following a request by Members, the ACO People Services agreed to include in the Forward Work Programme an information brief on the National Vocational Qualification Level 3 – Operations in the Community.

## **06. FORWARD WORK PROGRAMME**

The ACO People Services presented the Forward Work Programme.

### **RESOLVED THAT**

- 06.1 Members accepted the Forward Work Programme for the HR & Equalities Committee 2011/12.
- 06.2 Due to Council Elections taking place in May 2012, the ACO People Services agreed to consider rearranging April 2012 reports in the Forward Work Programme.
- 06.3 Following a request from Members, the ACO People Services agreed to provide Members with an explanation on Officers' role marking epaulettes.



## **SOUTH WALES FIRE & RESCUE SERVICE**

AGENDA ITEM NO 4

HR & EQUALITIES COMMITTEE

14 NOVEMBER 2011

REPORT OF THE ACO PEOPLE SERVICES

### **REPORT ON THE OCCUPATIONAL HEALTH UNIT ACTIVITY 1 APRIL 2010 TO 31 MARCH 2011**

#### **SUMMARY:**

In January 2011 the OHU Activity Report for the first 2 quarters of 2010-11 was presented to the HR & Equalities Committee.

The following report includes the additional standard data for the 3 and 4 quarters together with an update on Occupational Health initiatives, completing reported information for the 2010-2011 periods.

#### **RECOMMENDATION:**

That Members note the content of this report.

## **1. INTRODUCTION**

- 1.1 In January 2011 the OHU Activity Report for the first 2 quarters of 2010-11 was presented to the HR & Equalities Committee.
- 1.2 The following report includes the additional standard data for the 3 and 4 quarters together with an update on Occupational Health initiatives, completing reported information for the 2010-2011 periods.

## **2. OVERVIEW OF OCCUPATIOANL HEALTH UNIT SERVICES**

- 2.1 The activities of the OHU span a wide range of services as detailed in Appendix 1. Consultations and the work involved in the progression of the investigations and treatment of

incapacitating or potentially incapacitating medical conditions is the core element of services provided.

- 2.2 The rationale for this being the substantial savings attributable to maintaining the health of the organisations employees and minimising the cost of sickness absence.
- 2.3 Details of consultations and investigation/treatment services are provided below.

### 3. CONSULTATIONS

- 3.1 The table below provides a breakdown of consultation categories:

Consultation Category	QUARTERS				TOTAL
	1	2	3	4	
Routine Medical Surveillance WDS	88	70	63	105	326
Routine Medical Surveillance RDS	27	28	13	10	78
LGV Medicals	50	36	37	30	153
Pre-employment /transfers	16	36	12	12	76
Review appointments	106	112	143	142	503
Management referrals/sickness absence	17	23	21	25	86
Self-request appointments	63	48	23	40	174
Aids to vision	11	4	2	8	25
Health & Fitness Advisor referrals	4	3	2	1	10
Non – uniformed pre-employment	0	2	0	0	2
<b>Totals</b>	<b>382</b>	<b>362</b>	<b>316</b>	<b>373</b>	<b>1433</b>

### 4. INVESTIGATION AND TREATMENT SERVICES

- 4.1 Since 2001 the Fire Authority has agreed to allocate funds for a contingency initiative to reduce the costs to the Service arising from delays in NHS investigation and treatment services.

4.2 Funds are used when the cost benefit analysis to SWFRS and ultimately the public of any NHS delay for treatment are estimated to be considerably more than the cost of investigation or treatment that is available on a private basis.

4.3 The table below provides breakdown of the funds used for the different categories of healthcare services required:

Service Category	No items	Cost (£k)	Estimated saving (£k)*	Net saving*
Surgical procedures	29	63,720	254,880	
Specialist Referrals	133	18,959	Unknown**	
Scans	48	13,033	Unknown**	
Physiotherapy	302 (number of referrals to physio not number of sessions)	19,110	38,220	
Other services	73 (Including podiatry, x-rays and minor procedures)	15,382	Unknown**	
<b>Total</b>	<b>585</b>	<b>130,204</b>	<b>293,110 +Unknown</b>	<b>162,906 + Unknown</b>

\* Estimated savings based on experience over a 10 year period.

\*\* Figures not provided because:

- (i) Estimated savings are represented within surgical procedures that subsequently occur, or
- (ii) Service items are considered to be cost-neutral, or
- (iii) Services produce a saving that is not readily quantifiable.

## **5. INITIATIVES**

### **5.1 Welsh Ambulance Service and HART**

5.1.1 In December 2009 the Welsh Ambulance Services requested assistance from SWFRS in undertaking Occupational Health assessments for their Hazardous Area Response Teams (HART).

5.1.2 The teams are being established as part of the UK's mutual aid arrangements for terrorist and major incidents. The new OH facilities enabled SWFRS to accommodate the request.

5.1.3 Arrangements were made to undertake OH fitness assessments on sixty applicants in April 2011. The partnership initiative was concluded successfully and details will be presented in the next report to the Committee.

### **5.2 Physiotherapy Services**

5.2.1 Early access to physiotherapy is important in achieving a speedy recovery from many musculo-skeletal conditions and injuries. To overcome NHS delays it has been cost-beneficial to refer patients to one of the three main centres of private services in South Wales.

5.2.2 The new facilities at Nantgarw together with the combined resources of Cardiff Council OHS enabled us invite tenders for on-site physiotherapy services on one day per week. The tender exercise was successfully concluded in February 2011 and the in-house service physiotherapy sessions commenced in April 2011.

5.2.3 This initiative should reduce referral-appointment turn around times, improved case management and quicker recovery times for staff and thus an earlier return to work.

### **5.3 OTHER ACTIVITIES**

5.3.1 During 2010-2011 significant progress was made in other areas including collaboration, consolidation of OH staff and

Health & Fitness Advisor working and strategic progress on development of Occupational Health services. These activities were covered in the previous report and the detail has been omitted in this report to avoid repetition.

## **6. FINANCE**

6.1 The overall allocated revenue budget for the Occupational Health Unit in 2010/11 was £182,274. This is broken down into:

- |                               |          |
|-------------------------------|----------|
| • Supplies & Services         | £ 12,002 |
| • Contracted Services         | £ 40,068 |
| • Investigations & Treatments | £130,204 |

## **7. RECOMMENDATION**

7.1 That Members note the content of this report.

**PHILIP HAYNES**  
**ACO PEOPLE SERVICES**

**Background Papers:**

None

**Contact Officer:**

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## APPENDIX A

### OCCUPATIONAL HEALTH SERVICES

The Occupational Health Unit provides the range of services required by Fire & Rescue Authorities under Health and Safety Law, Employment Law, Pension Provisions and in accordance with directions issued by relevant government departments. Firefighting can be extremely demanding and hazardous occupation requiring high levels of medical and physical fitness. The prevention of unnecessary ill health and incapacitation are essential factors in our efforts to maintain optimum operational effectiveness and efficiency. A good quality Occupational Health service has a vital role to play. The range of services provided includes:

- Medical surveillance of all whole time firefighters on a 3-yearly cycle.
- Medical surveillance of all retained firefighters over 40 years of age on a 3 yearly cycle
- Physical fitness assessments of all whole time firefighters annually
- Pre-employment medical examinations of all whole time and retained firefighters
- Post-incident surveillance of firefighters exposed to toxic and hazardous substances
- Medical advice on fitness for employment and rehabilitation following illness, injury or identification of health problems during medical surveillance/fitness assessments
- LGV medical examinations
- Assessment of eligibility for ill health retirement and injury awards

- Medical advice and counselling for firefighters with work-related and other health problems, eg musculoskeletal disorders, post traumatic stress, alcohol problems, uncertainty/delays over diagnosis and NHS treatment
- Health education
- Specialist advice on the assessment and control of health risks associated with firefighting.
- Progressing the medical management of cases faced with NHS delays
- Self-request consultations when work may be adversely affecting health or vice versa



# **SOUTH WALES FIRE & RESCUE AUTHORITY**

AGENDA ITEM NO 5

HR & EQUALITIES COMMITTEE

14 NOVEMBER 2011

REPORT OF THE ACO PEOPLE SERVICES

## **TRAINING & DEVELOPMENT FUNCTION & VALUE FOR MONEY REVIEW**

### **SUMMARY:**

This report details the Partnership Project Agreement principles with Babcock Ltd and the framework of the Value for Money Private Finance Initiative review.

The first draft of the review will be presented at the HR & Equalities Group Meeting

### **RECOMMENDATION**

That Members note the contents of the report.

## **1. BACKGROUND**

- 1.1 The PFI project for the Cardiff Gate Training & Development Centre was signed off in July 2004. The service commencement date started in September 2005. The first courses run out of the Cardiff Gate Training & Development Centre occurred on the 18 of September 2005.
- 1.2 The Project Agreement determines the PFI project. Scheduled within the project agreement is the output specification. The basis of the training programme is captured within the output specification of the project agreement. The output specification identifies the training & development activity at the Training Centre. The training programme is agreed with Babcock (formally VT Group) three months prior to the start of the new training year (In line with financial year start).

- 1.3 Before the training programme commences, the forthcoming programme is agreed and signed off with Babcock in relation to the number of training points utilized on an annual basis. Each activity placed on the training programme generates training points that have a financial value.
- 1.4 The full utilisation of the training point volume is necessary to achieve Value for Money of the PFI project. The initial output specification (2005) predicted the full utilization of the training point annual volume. This was based on the annual delivery of three 12-week wholetime initial courses, with up to 20 students per course. In addition to the 12-week courses would include a range of practical and theoretical courses.
- 1.5 The training point volumes are based on a take or pay and standard pay thresholds. The values of the two thresholds are as follows:
  - Take or Pay threshold 40,000
  - Standard pay threshold 47,000
- 1.6 During the first three years of operation the take or pay thresholds were achieved due to the fact that in the main three 12 week courses were programmed. If the standard volume thresholds were not achieved, there is ability to roll-on the unused points for three years. If however the roll-on credits were not utilised within the three years then the points would be lost.

## **2. Training Point Utilisation for 2010/11 & 2011/12**

- 2.1 The training programme for the above two years has not identified 12-week initial wholetime courses. The Training & Development department in consultation with the Operations Department has identified other training needs to be addressed in the absence of wholetime 12-week courses. The majority of the agreed training needs are focused on operational competence.

- 2.2 The focus on operational competence has addressed new areas of specialist training and evaluating operational competence through identifying incident themes against an exercise programme run independently by Training & Development staff for station based personnel at the Cardiff Gate Training & Development Centre.
- 2.3 In addition it has been formally agreed with Babcock to broaden the scope of the training point utilisation to include other external sites. These are sites and facilities within the Babcock infrastructure.

### 3. **ISSUE**

- 3.1 Identified within the Project Agreement is the recommendation for Value for Money reviews to be conducted every 5/6 years of the contract duration. The scope of the VfM review should be determined and agreed by both project partners.
- 3.2 The PFI contract has been in operation from the 'Service Commencement' date of the 9 of September 2005. The completion of the VfM review has been agreed for sign off in September 2011.
- 3.3 The Authority and Babcock have agreed the parameters of the review and external financial advisors (Grant Thornton) are working on behalf of the Authority to ensure the first VfM review sets the benchmark for subsequent reviews.
- 3.4 The agreed framework for the VfM review is as follows:

#### 3.4.1 Aim

The primary aim is to continually improve the overall performance of the operational PFI project to achieve Value for Money principles throughout the term of the Project Agreement.

#### 3.4.2 Governance and Financial

- Financial Model – affordability condition of equalisation fund.

- Potential benefits from Babcock Refinancing
- Agreement of previous point value uplifts
- Potential benefits from Babcock Refinancing
- Quarterly review procedure

#### 3.4.3 Performance Management Systems

- Record of five-year performance
- Operating Management Systems agreed & implemented

#### 3.4.4. Formal Record of Changes

- Facility enhancements formally recorded as change register
- Legal Changes within risk matrix

#### 3.4.5 Planning

- Maintenance Plans
- Energy Consumption tracked, recorded and agreed

#### 3.4.6 Future Changes/aspirations

- Incentives Schemes for both partners
- Marketing Strategy developed and agreed targets with milestones
- Increased Levels of TPI and identified resources to support
- More flexible Training Point structure negotiated and formally agreed

## 4. **FINANCIAL IMPLICATIONS**

4.1 The management of the Value for Money review is being conducted with the agreement of both partners to engage and share commercially sensitive financial information with Grant Thornton Accountants.

4.2 Grant Thornton accountants are the advisors working on behalf of the Fire & Rescue Authority. The advisory support provided

by Grant Thornton will be financed through the Training & Development Department revenue budget.

**5. RECOMMENDATION**

5.1 That Members note the contents of the report.

**PHILIP HAYNES**

**ACO – PEOPLE SERVICES**

**Background Papers: None**

**Contact Officer:**

Gareth J Davies

Head of Training & Development

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## South Wales Fire and Rescue Service PFI

Value for Money Review

Last updated 2 November 2011

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# 1 Important Notice

- 1.1 This report has been prepared by Grant Thornton UK LLP ("Grant Thornton") pursuant to the terms of the engagement between Grant Thornton and South Wales Fire and Rescue Service ("the Authority") and is subject to the limitations and restrictions therein contained. In particular, Grant Thornton does not accept any responsibility or liability to anyone, other than the Authority, in connection with, or arising out of this document or its content on any basis whatsoever and anyone, other than the Authority, who relies on the same, in whole or in part, does so entirely at their own risk.
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- 1.5 Grant Thornton's standard terms of engagement do not permit advice to be provided on the drafting of legal documentation and the Authority are advised that where a decision is to be taken in relation to amending legal documentation in any way that appropriate legal advice be sought.

## 2 Introduction

### Background

- 2.1 The South Wales Fire and Rescue Service ("the Authority") entered into a PFI Project Agreement with VT Fire Services (SW) Limited, now Babcock, in [August 2004 - to be confirmed]. The Project Agreement contains, amongst other provisions, details of a Value For Money (VFM) Review to be carried out around the time of a Review Date, following a benchmarking exercise, with the first of these being the fifth anniversary of the Planned Service Commencement Date.
- 2.2 Given the Planned Service Commencement Date was [SWFRS to provide], the first Review Date has passed; however, there are potentially significant costs associated with a benchmarking exercise and subsequent VFM Review which, given both sides' understanding of the project, they were keen to avoid.
- 2.3 It was agreed, therefore, that the Authority would appoint Grant Thornton to carry out a VFM Review outside the scope of the Project Agreement to ascertain that the project was delivering value without the need to incur significant additional cost.
- 2.4 This paper sets out the methodology adopted by the Authority in carrying out the VFM Review and focuses on the key issues they have identified as being indicators of value for money. The key drivers of VFM assessed are:
- Governance and Financial
    - Financial Model - affordability condition of equalisation fund;
    - Potential benefits from Babcock Refinancing;
    - Agreement of previous point value and uplifts; and
    - Quarterly review procedure.
  - Performance Management Systems
    - Record of five-year performance; and
    - Operating Management Systems agreed and implemented.
  - Formal Record of Changes
    - Facility enhancements formally recorded as change register; and
    - Legal changes within risk matrix.
  - Planning
    - Maintenance Plans; and
    - Energy consumption tracked, recorded and agreed.
  - Future Changes/aspirations
    - Incentive Schemes for both partners;
    - Marketing strategy developed and agreed targets with milestones;
    - Increased levels of Third Party Income (TPI) and identified resources to support; and
    - More flexible Training Point structure negotiated and formally agreed.
- 2.5 The paper summarises the Review process and contains input from both the Authority and Babcock, as befits the partnership relationship between these two parties. In

addition, the paper seeks to make recommendations, where appropriate, for the successful management of the project and carrying out of subsequent VFM Reviews.

- 2.6 The paper is for the sole purpose of advising the Authority on matters arising from our review work and should not be used for any other purpose nor released to third parties without our prior written consent.

#### Source Data and Context

- 2.7 Grant Thornton have relied on the following sources of data to carry out this Review:

- Meetings with Authority officers and Babcock employees; specifically
- Discussions with Amy Longden-Thurgood; and
- Email correspondence related to the above, such correspondence being based on the following electronic files:
  - Final SWFSRef20050930 v3 (4.62 swap 12.5 spread).xls ("the financial model");
  - VTFS(SW)\_OperatingModel\_VFM DE verb v2.xls ("the operating model");
  - 1011 - Cardiff Gate Training Point Summary.xls ("the TP Summary");
  - SWFS PFI Monitoring Model Master Version.xls ("the SWFRS Monitoring Model");
  - TPI Rec Yr1 to Yr5.xls ("the TPI reconciliation"); and
  - The Project documents (including Project Agreement and all Schedules).

- 2.8 The paper has been prepared to reflect the recent passing of the first Review Date and the need to present to the following:

- Finance Working Group (30<sup>th</sup> September<sup>1</sup>, pre-report 12<sup>th</sup> September);
- HR & Equalities Committee meeting (10<sup>th</sup> October, pre-report 19<sup>th</sup> September)

- 2.9 It is emphasised, however, that the VFM Review does not attempt to provide a view on the underlying operating costs within the operating model nor, therefore, on whether a benchmarking and/or market testing exercise should be carried out.

- 2.10 **Recommendation 1:** *A view should be taken by the Authority, as part of any subsequent Reviews, as to whether or not there is value in a benchmarking or market testing exercise being carried out. Any such exercise should be carried out as per the methodology set out in the Project Agreement.*

<sup>1</sup> Subsequently deferred to 14 October 2011

DRAFT

## 3 Governance and Financial

### Introduction

- 3.1 This section of the paper sets out the current position relating to the key VFM drivers. In addition, the paper makes recommendations arising from our Review to inform the subsequent management of the project, from an Authority financial management perspective and specifically in relation to future VFM Reviews:

### Financial Model - affordability condition of equalisation fund

- 3.2 As part of the Final Business Case (FBC) process, the Authority was required to demonstrate the affordability of the project to both the Office of the Deputy Prime Minister (ODPM) and the Welsh Assembly Government (WAG). As such, the Authority and its financial advisers (Grant Thornton) set out their proposed methodology:
- 3.3 The affordability of the scheme is regularly monitored against the monitoring model, particularly the established equalisation fund. Particular attention is given to affordability when setting or revising the annual revenue budgets of the Authority.
- 3.4 The monitoring model tracks the inflow and outflow of funds and calculates the future annual sums to be set aside by the Authority into the equalisation reserve.
- 3.5 The Authority meets the costs of the Standard Payments from its own resources and funding from the Welsh Government. The profile of funding from the Assembly reduces annually until the expiry of the contract term whereas the unitary charge payable by the Authority increases annually over the same period (see Paragraph 5.20 below). This results in a “surplus” of resources for PFI when compared to payments for the initial period of the contract period. These surplus amounts are set-aside in an earmarked reserve (i.e. the equalisation fund) to fund the later part of the contract period where annual payments are greater than annual resources.
- 3.6 As at 31 March 2011, the balance on the PFI equalisation fund is £2.739 million.
- 3.7 The purpose of the equalisation fund is to ensure that by making a constant (real terms) payment, i.e. one that increases annually with budgetary inflation, the Authority is able to confirm affordability over the project life. The level of contribution to the fund was agreed at FBC stage but was known to be subject to a number of variables, namely:
- Training Point inflation (see Section );
  - Levels of training taken at the Centre (to the extent this exceeds the Standard Level<sup>2</sup>);
  - Interest rate on Authority balances; and
  - Authority budgetary increases.
- 3.8 As part of this review, Grant Thornton have verified that the Training Point values being used to generate invoices are correct. Beyond this, Grant Thornton have also established the SWFRS monitoring model to allow the affordability position to be monitored on an

<sup>2</sup> As defined in the Project Agreement

ongoing basis by the Authority. The Authority has confirmed that, based on current knowledge in relation to forecast payments to Babcock over time, the project remains affordable. However, the recommendation for subsequent monitoring is as follows:

- 3.9 **Recommendation 2:** *The Authority is to ensure that the SWFRS monitoring model is to be updated upon receipt of every Quarterly Report and Invoice with payments into the equalisation fund to be reviewed annually and as part of any VFM Review to ensure ongoing affordability.*
- 3.10 In addition, as part of the review, we have reviewed the operating model to establish whether or not a full VFM Review would be in the Authority's interests. The key question considered was whether the Babcock Internal Rate of Return (IRR) exceeds the "Pre- Qualifying Refinancing Threshold IRR", as defined in the Project Agreement and being equal to approximately 21.5%.
- 3.11 Whilst the IRR in the operating model appears to be significantly less than the Pre- Qualifying Refinancing Threshold IRR, there is a lack of detail therein. This lack of detail pertains, primarily, to the presentation of Third Party Income (TPI) and the costs associated with such training delivery and therefore relates to the Project Agreement provisions in relation to such matters<sup>3</sup>.
- 3.12 In summary, Babcock have agreed to underwrite the Guaranteed Income which is/was done by modelling the Standard Payment at £100k per annum (indexed) less than would otherwise have been required to achieve their required IRR. Where Babcock generates a Net Income Excess, i.e. where Net Income (i.e. Total TPI minus associated costs) exceeds the sum of the Guaranteed Income plus the Net Income Threshold (also £100k p.a. index linked) over the review period, an adjustment is made to the Standard Payment and the Guaranteed Income in subsequent periods. This adjustment is intended to generate a 50:50 sharing in any Net Income Excess and is made pursuant to Clause 18.7 of the Project Agreement.
- 3.13 Whilst the operating model lacks sufficient detail regarding the TPI calculations to allow us to establish the position to-date, the Babcock TPI reconciliation summarise the position to date as follows:

	Year Ending				
	Sept 2006	Sept 2007	Sept 2008	Sept 2009	Sept 2010
TPI	94,788	77,765	75,300	94,390	137,783
Direct Costs	(58,782)	(32,053)	(36,382)	(46,462)	(89,135)
Net Income	36,006	45,712	38,918	47,928	48,648
Authority Gainshare	0	0	0	0	0

- 3.14 The above situation was accepted, by the Authority, as being representative of the levels of Third Party training carried out at the Centre and, as such, it was agreed that no further detail was required in relation to income or associated costs.
- 3.15 It is noted, however, as part of this review, that the Authority Training Plan covers the annual period from 1 April to 31 March. As such, it might aid reconciliation for Third Party Income to be monitored over this period. Whatever time period is used, however, the following recommendation is made:

<sup>3</sup> i.e. Clause 18

- 3.16 **Recommendation 3:** *Babcock must provide, on an annual basis, a breakdown of TPI using terminology consistent with the Project Agreement to allow full visibility of Net Income and any Net Income Excess.*
- 3.17 It is reiterated that the purpose of this review was to attempt to avoid the (significant) cost associated with running a full VFM Review as per the Project Agreement, hence the operating model and other information sources have not been subject to an audit, which would be beyond the scope of our current engagement.
- 3.18 We would also emphasise the need to take legal advice in relation to any interpretation of the PA or any other legal documentation
- 3.19 We understand, however, that the above recommendation is agreed between the parties as being the appropriate means of monitoring TPI.

### Potential Benefits from Babcock Refinancing

- 3.20 There are two elements to the debt cost of project finance, which are fixed at financial close. The first is the interest rate margin, which is expressed as a % over LIBOR (London Interbank Offer Rate). The second element is the interest rate swap rate, which is the fixed interest rate that is locked in to provide a fixed repayment profile.
- 3.21 When entering into their project loan, in order to effectively refinance corporate debt, VT entered into an interest rate swap. An interest rate swap is a common feature of most PFI deals and allows the Private Sector Partner (PSP) to hedge fully against interest rate exposure on their bank debt. As such, the interest rate swap serves a similar function to a fixed rate mortgage to a homeowner. The swap, i.e. fixed interest, rate for this project is 4.62%.
- 3.22 Whilst current interest rate swap rates for the project are estimated at c.2.75 %<sup>4</sup>, the swap counter-party is currently receiving 4.62% whilst paying a variable (and far lower) rate to the bank. As such there is a significant financial incentive to the swap counter party to keep the arrangement in place and to break this would require suitable recompense. Babcock would, in summary, be required to make a payment to the swap counter party to compensate them from future interest benefit foregone. Any such payment would likely be funded by a subsequent loan, taken out by Babcock to refinance the outstanding debt plus swap breakage and any other costs, at the lower market rate. The loan required to be funded would therefore be far higher than currently outstanding, albeit at a significantly lower rate.
- 3.23 In addition to these substantial swap breakage costs, the debt pricing (i.e. interest rate margins) is far higher in current market conditions than was prevalent at the time of the original loan. This is a direct pricing issue and would increase the cost of borrowing were refinancing to be considered.
- 3.24 Based on the two aspects described above, there is not seen to be any potential benefit from refinancing at this current time. The Authority is asked to note, also, that were the conditions suitable for a refinancing, it would be in Babcock's interest to pursue this on the best available terms and they would be required to inform the Authority of their intentions as per the Financier Direct Agreement.
- 3.25 **Recommendation 4:** *The Authority should ensure it has an understanding of the refinancing provisions within the Financier Direct Agreement and that the operating model of Babcock, or*

<sup>4</sup> FT Data from Friday 23rd September, assuming 12 year (average) loan life, as per the operating model

equivalent, as monitored in accordance with the Project Agreement<sup>5</sup>, is updated to reflect the current project financing.

### Agreement of previous point value uplifts

3.26 As part of the VFM Review, we have sought to agree with Babcock the value of Training Points and their uplifts to the date of this review. Given the payment mechanism methodology, the Training Point value is fundamental and has been subject to significant scrutiny from both sides.

3.27 The PA is clear about the value of TPs and their usage in determining Standard Payment and TP credits to be carried forward. The indexation percentages to be applied to the Training Point value of £5.51 as of the Base Date are clearly set out in the Payment Mechanism<sup>6</sup>:

- Fixed 30%
- AEI indexation 25%
- RPI indexation 45%

3.28 In addition, the Training Point values up to the Standard Level are to be multiplied, as per the Project Agreement, by 1.42916 to arrive at the Standard Payment. The values for Training Points, as indexed, are agreed as being those within the TP Summary and the operating model up to and including September 2011.

3.29 The Project Agreement states that indexation be applied as of the anniversary of the Planned Service Commencement Date with indexation being based on the value of the respective indices 2 months prior to the Review Date, these being likely to be the most recently published values as at this date, and the base date value (April 2003).

3.30 The operating model, however, appears to suggest that whilst the methodology has been applied correctly the timings are that indexation is being applied from April. Whilst this is likely to be consistent with the timings of the Annual Training Plan and the financial year within the operating model this approach needs to be agreed with the Authority. It is also noted that the Average Earnings Index has been discontinued as of September 2010 and Babcock have proposed that it be replaced by Average Weekly Earnings (AWE). We currently have no objection to this proposal, albeit we have not currently sought to quantify any impact as part of this review..

3.31 **Recommendation 5:** *The Authority should confirm the acceptability or otherwise of the AWE as a replacement for AEI and both parties must agree the timings of indexation both in terms of values and application to invoices. Where no adjustment is made to the Project Agreement, both parties should ensure a clear agreement is set out as to the methodology to be used in subsequent periods, whether this is to adhere to the Project Agreement (subject to confirmation of Planned Service Commencement Date) or to agree an amended proposal.*

3.32 It is further noted and agreed, as per the TP Summary, that unless otherwise agreed, training delivered at external sites as proposed by Babcock will fall under the payment mechanism regime with training points and credits being utilised as at the Centre. It is confirmed, as per the TP Summary, that externally delivered training will not be allowed to count as part of the Take or Pay level. This means that if less than the Take or Pay

<sup>5</sup> See Project Definition of Base Case, being "the financial model in the Agreed Form (as updated/amended from time to time in accordance with the terms of this Agreement and/or Clause 12 of the Financier's Direct Agreement)"

<sup>6</sup> Project Agreement, Schedule 8

level is taken at the PFI Centre whilst additional training is delivered externally, the value of Take or Pay minus actual training at the Centre will be lost whilst Training Point credits will be required to 'pay' for the externally delivered training. This situation appears to have occurred in Q1, 2008 (i.e. January - March, 2008) and explains the differential between the Training Point credit balance within the TP Summary and the SWFRS Monitoring Model arising from this period.

- 3.33 Whilst the operating model shows a Training Point balance of 9,620 points as of Q1, 2011, Grant Thornton have not confirmed these values. However, the methodology proposed in the TP Summary is agreed and the level as at Q1, 2009 is agreed and, subject to Authority approval of the Training Point values contained within the TP Summary and Operating Model, this balance is agreed.

### Quarterly Review Procedure

- 3.34 The PA states, at Clause 16.4, what the report should look like.
- 3.35 It is intended that, subject to agreement of a suitable monitoring tool (e.g. an updating and agreement of the SWFRS Monitoring Model) that the reports should be used more effectively to ensure understanding and agreement of TPs being carried forward or utilised.
- 3.36 It is also understood that a quarterly Joint Management Board (JMB) meets to review the project and the report for the previous quarter could be discussed and agreed at this meeting.
- 3.37 It is noted that SWFRS may seek to pursue a semi-annual, rather than quarterly, application of the Take or Pay level, which will be for agreement with Babcock.
- 3.38 **Recommendation 6:** *Both parties should agree the exact form of the Quarterly Report and Invoice, which should be reflected in an updated SWFRS Monitoring Model. Once the SWFRS Monitoring Model is released in final form, consistency between Babcock Reports and Invoices and Authority monitoring can be ensured.*

### Conclusion

- 3.39 Subject to the above recommendations and observations, this Review suggests no further measures are required to be taken at this stage to demonstrate VFM of the project over the first 5 year period of operations. There appears no prospect of any further benefit being derived from a refinancing, and once the Training Point values for the most recent periods are agreed, with the indexation methodology, the Authority can be comfortable that the project is delivering VFM in accordance with the terms of the contract.
- 3.40 It is noted, however, that the operating model might not provide all information required by the Authority under the terms of the Project Agreement. It has been noted above that the Project Agreement makes reference to the Base Case and the Authority should seek to ensure, in subsequent reviews, that this is made available.
- 3.41 **Recommendation 7:** *The Authority should ensure it has visibility of the Base Case, as per Clause 12 of the Financier's Direct Agreement and that this be used in all subsequent VFM Reviews.*

## 4 Performance Management Systems

Introduction

4.1

Record of five-year performance

4.2

Operating Management Systems agreed and implemented.

4.3

DRAFT

DRAFT

## 5 Formal Record of Changes

### Introduction

5.1 As with any PFI project, there have been several developments, predominantly minor, that have been carried out during the operational phase. It is for the Authority to be comfortable that the changes carried out do not materially affect the commercial position detailed within the Project Agreement, particularly in relation to the assumed risk matrix. Any commentary on the changes carried out is beyond the scope of this Review, however we note the following:

5.2 **Recommendation •:** *Agreement on all such changes in future must be similarly reached and recorded in the current format, with both parties agreeing the position as described.*

### Facility enhancements formally recorded as change register

5.3 The formal change history associated with the project is attached at Appendix B to this document.

5.4 **Recommendation •:** *The Authority should agree or otherwise that Appendix B sets out an agreed position as to the scope and nature of changes carried out to date.*

### Legal changes within risk matrix.

5.5 It is assumed that, subject the Recommendation • above, the legal position would be unchanged. However, it is reiterated that the role of Grant Thornton is not to opine on the legal structures or drafting and, as such, no liability can be accepted in relation to the implications of any changes.

## 6 Planning

Introduction

6.1

Maintenance Plans

6.2

Energy consumption tracked, recorded and agreed

6.3

DRAFT

## 7 Future Changes/aspirations

### Introduction

7.1 As set out in Section 4, there have been several changes made since operations at the Centre commenced. It is further noted that there have been changes in methodology around Training Points and their applicability to externally delivered training. It is incumbent on both parties, in the spirit of partnership, to seek to identify, as part of the ongoing management of the facilities, any opportunities to further deliver enhanced VFM.

### Incentives for both partners

7.2 As previously stated, the Babcock approach to allowing Training Points to be used to purchase training delivered outside Cardiff Gate is now agreed. Measures such as this are welcomed and to be encouraged as part of the successful operation of the project.

7.3 Additionally, and in the spirit of partnership, there will be a focus over the next five years to:

- deliver additional training courses above and beyond those currently provided;
- investigate improving performance of training (e.g. higher pass rates) or reducing cost (e.g. alternative methods of delivery to reduce trainer costs);
- remove risk areas from the contract;
- propose amendments to the specification
- continue to explore and investigate how the wider Babcock infrastructure can support SWFRS's organizational objectives.
- to increase the levels of Third Party Income through a focused marketing strategy. (see7.6)
- increase the use of Cardiff Gate by other FRS's within the Welsh Region.
- seek opportunities to support the development of other Emergency Services within the Welsh region as part of the local and regional Civil Resilience forums.
- continue to collaborate with our partners at Severn Park to help ensure efficient and cost effective use of resources.
- support Babcock International Group in developing wider business within the Fire and Rescue Sector.
- continue to develop the Cardiff Gate site and the use of its facilities to meet the changing needs of the Service.

7.4 Any implications of or required amendments to the Project Agreement, including payment mechanism, should be considered when discussing incentives schemes. The approach agreed as a result should be recorded, along with the implications of such, to allow consideration in future VFM Reviews.

7.5 **Recommendation •:** *Both parties must ensure a clear audit trail of any agreed incentives should be maintained, including financial implications, to allow their consideration in future VFM Reviews.*

### Marketing Strategy developed and agreed targets with milestones

7.6 [Any wording to be provided by SWFRS/Babcock with other party to agree]

### Increased Levels of TPI and identified resources to support

7.7 Both parties have sought clarification as to how the TPI Provisions of the contract currently work.

7.8 As described above (Section [2.9]), the current position, as set out in Clause 18 of the Project Agreement, is summarised as follows:

- Net Income = TPI minus attributable costs;
- Guaranteed Income = £100k p.a. (indexed);
- Net Income Threshold = £100k p.a. (indexed);
- Net Income Excess = Where Net income exceeds Guaranteed Income plus Net Income Threshold

7.9 Any Net Income Excess is shared between the parties, in accordance with the Project Agreement and, as discussed previously, both parties must ensure that for future VFM Reviews and/or upon (annual) request, details should be available in relation to TPI generation. It is noted and agreed, however, that the current TPI levels are insufficient to generate any form of Net Income Excess.

7.10 The parties might wish to consider how best to work together to maximise TPI, noting any implications for:

- risk transfer (under the Project Agreement);
- usage of facilities (and associated implications for maintenance/lifecycle costs etc);
- consideration of usage of external facilities (with training badged jointly); and
- possible usage of seconded uniformed instructors.

7.11 Babcock's view in relation to maximising TPI, in conjunction with Authority staff and to maximise the VFM of the project, is set out at Appendix C

7.12 **Recommendation •** *As with any change to the project or associated agreements, any proposal in relation to joint working to maximise Third Party Income should be clearly set out, as agreed, with the implications for the ongoing management of the scheme (including subsequent VFM Reviews) and recorded.*

### More flexible Training Point structure negotiated and formally agreed.

7.13 As part of the discussions around this Review, it has been mooted that the Take or Pay level might be applied 6 monthly, as opposed to quarterly, to allow for a degree of seasonality to be reflected (i.e. to avoid a situation whereby a given quarter in any given year may likely be below the Take or Pay level whilst the overall annual total might be at or above the Take or Pay level).

7.14 Whilst the agreement to this approach, in principle, would be welcomed by the Authority there are several implications of this associated with the payment mechanism and Training Point regime. It is again reiterated that this Review does not include revision of legal documentation (of which the Payment Mechanism constitutes) but that a clear audit trail of any agreed changes should be maintained.

7.15 **Recommendation •** *Both parties should agree any amendments to the Training Point regime, whether related to Take or Pay applicability or timings of reviews/indexation, and ensure these are agreed with any external parties e.g. funders and legal advisers. Once agreed, the agreed position should*

*be reflected in all project documentation and monitoring models as appropriate for all subsequent monitoring (including VFM Reviews).*

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## A Recommendations

Recommendation 1	[To be updated from body of text]
Recommendation 2	[To be updated from body of text]
Recommendation 3	[To be updated from body of text]
Recommendation 4	[To be updated from body of text]
Recommendation 5	[To be updated from body of text]
Recommendation 6	[To be updated from body of text]
Recommendation 7	[To be updated from body of text]
Recommendation 8	[To be updated from body of text]
Recommendation 9	[To be updated from body of text]
Recommendation 10	[To be updated from body of text]

## B Change History

(Cardiff Gate - Change History FINAL.pdf)

DRAFT

## C Babcock Third Party Income Generation (TPIG)

DRAFT



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The Babcock logo is displayed in white lowercase letters. It is centered within a large, semi-transparent blue shape that resembles a stylized flame or a drop, set against a background of vertical blue brushstrokes.

**Education and Training**  
Cardiff Gate  
Third party income generation (TPIG)

## **Babcock commitment**

Oct 2011

## **STRATEGY FOR REVENUE GENERATION – CARDIFF GATE FIRE FIGHTER TRAINING FACILITY**

### **INTRODUCTION**

In partnership with the South Wales Fire and Rescue Service (SWFRS) and under a 25-year PFI arrangement Babcock has been responsible for the operation of the Fire Fighter Training Facility (FFTF) at Cardiff Gate. The operation has recently gone through a Value for Money (VFM) exercise that has highlighted areas where enhancement of the current business is possible; one of which was to increase the drive towards third party income generation (TPIG). Babcock supports and, in fact, has TPIG as a core requirement to all its contracts; however, it should be noted that the more successful TPIG campaigns are for contracts where Babcock has control of the full range of services delivered by the contract. That said, we do agree that there is TPIG potential at Cardiff Gate, but we strongly believe that its generation should follow an agreed strategy that is focused, coherent and measurable.

On many occasions, TPIG expectations are not based on any form of analysis or understanding of the market of the contract's capability and have even approached the situation with a scatter-gun strategy that always results in very little return or benefit to the prime customer.

This paper will outline how Babcock will pursue TPIG for Cardiff Gate indicating timescales and the resources required to conduct such a campaign.

### **STRATEGY DEVELOPMENT PROCESS**

**Aims.** Before any TPIG activities can start, we first need to establish some key aims for the campaign. Possible aims include delivering:

- Core activities such as:
  - Fire Fighter, leadership and management training to neighbouring FRSS.
  - Fire related training to industry.
  - Leadership and management training to industry.
  - Fire related training to the local community.
  - Leadership and management training to local community.
- Associated activities such as:
  - Facility use for non Fire Fighter training.
  - Facility use for non training activities.

Without doubt all of these aims have potential for TPIG; however, the resources and success factors are very much dependent on the strategy and opportunity priority.

**Strategic Analysis.** The development of a successful TPIG strategy is dependent on the analysis conducted before embarking on the strategy. The approach followed by Babcock is close to that championed by the Institute of Directors and has seen Babcock revenue grow year on year for the last seven years. Once the aims to be tested have been agreed, the process would be as follows:

- Step 1: Initial analysis
  - SWOT of the Cardiff Gate operations to create the proposition.
  - Competitor analysis to determine who is doing what we want to do, and how we plan to gain competitive advantage over them.
  - Substantiate Cardiff Gate's position.

- Step 2: The Environment
  - PESTLE analysis to understand key market drivers and issues.
  - Customer analysis to understand who we want to take the business to, how they are organised (stakeholder maps) and how they procure their services.
- Step 3: The Direction
  - To determine the market attractiveness of potential TPIG targets, based on a Porter's force approach, i.e. can we secure the revenue and can we achieve a return for both partners.
- Step 4: The Size
  - The completion of a product market matrix for business development activities that maps the capabilities to the potential revenue and return.
- Step 5: The Options
  - Strategic options analysis.
  - Strategic options decision.

This process will test each of the aims and following step 5 the aims may either be discounted or ordered in priority against a successful outcome. The process will deliver a focused, coherent and measureable 5-year plan starting in FY12/13.

To help inform this process, Babcock will need to understand:

- Current and future use of the FFTF so that it can appreciate how much TPIG potential is possible.
- What level of priority will be afforded to a TPIG, it will be hard to market the facility without some form of guarantee of availability.
- The influence that the SWFRS may have with other agencies in terms of stakeholder engagement.

**Resourcing.** Babcock is delighted to offer the resources from within its current Education and Training Business to conduct the strategic analysis outlined above; however, we will need involvement from the Authority to ensure that the partnerships expectations are met. Babcock would envisage that the strategic plan would be ready for review by the Authority by Jan 12. The strategic plan would also include:

- The level of business development resourcing (Babcock) to deliver the plan, which should be funded from the TPIG.
- What levels of TPIG are possible, it will include target levels based on the analysis; these, however, are not levels to which Babcock are contracted to achieve or guaranteeing to Authority.

## CONCLUSION

Babcock is committed to working with the SWFRS to improve TPIG at the Cardiff Gate FFTF; however, for this to be successful we will need to work closely with SWFRS albeit we accept the leading role and it is a core Babcock capability. We are committing to develop a TPIG strategic plan for 5-years start in FY 12/13.



**Dave Auger**

Director of Emergency Services Training

Oct11

The logo features the word "babcock" in a white, lowercase, sans-serif font, centered on a dark blue background. The background consists of vertical brushstrokes of varying shades of blue. A dark blue, semi-transparent triangular shape is positioned in the bottom right corner, partially overlapping the text and background.

# babcock

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## Cardiff Gate - Change History

Ref	Description	Commence Date	Comments	Babcock Capital	Babcock Through Life	Babcock Total	Notes
Part G (Procedure for Annual Training Plan)	Amendment to the Annual Training Plan should be advised to the Contractor within 20 working days, where a cancellation is applicable a 50% cancellation charge can be applied. Where short notice requirements are applicable a 50% premium may be applied	Contract Start	Where short notice amendments are applicable the 50% premium has never been applied by the Contractor to date.	£ -	£ -	£ -	Whilst no contract change is required the future application of the 50% short notice premium should be considered to reduce / eliminate the inefficient impact of reactive requirements.
Schedule 3 (Output Specification)	The number of priority 2 events (extension to core hours) delivered by the Contractor is limited to 15% of the core hours equating to approx. 300 hours per annum.	Contract Start	The Authority is currently limited to 26 weekends / annum equating to approx 415 hours per annum. (52 days x 8 hours per day), the current agreed practice exceeds the cap by approximately 116 hours per annum.	£ -	£ -	£ -	Contract amendment should be considered to apply charging mechanism for additional evening and weekend working.
Schedule 8 (Paymech & Performance Monitoring)	Paragraph 1.2 and table 1 sets out the Training Point Value (per Course Session) for the use of training facilities and instructors/staff used in delivery.	Contract Start	By design limitation the current excel spreadsheet used to account for training point consumption, prevents the accurate application of training point charge mechanism where multiple use of training facilities is applicable.	£ -	£ -	£ -	Alternative accounting mechanism should be considered allowing the Contractor to recover the cost of multiple training facilities in accordance with the payment mechanism.
Clause 12.9 (Facilities Management)	Upgrading of manned guarding service.	Contract Start	This is an additional service provision by the Contractor, beyond the scope of the original contract.	£ -	£ 275,000	£ 275,000	Contract change could be considered for this service.
See letter 08.10.09 from G Evans to G Davies.	Installation of air conditioning system.	Mar-10	Contractor agreed to fund £57k towards CAPEX, £750 towards electricity meter, £25,240 towards refit costs and £53,130 towards ongoing maintenance. The Authority have agreed to pay for electricity consumed subject to rebate of any gas savings identified	£ 57,750	£ 78,370	£ 136,120	Contract change should be considered for this service. (please see letter for additional detail).
See letter 01.12.10 from G Evans to G Davies.	Field access.	Jun-10	Contractor agreed to fully fund procurement exercise on behalf of the Authority, through life periodic inspection and maintenance to the access gate will also be carried out by the Contractor.	£ -	£ -	£ -	Contract change should be considered for this service (please see letter for additional detail).
See letter 01.12.10 from G Evans to G Davies.	Rope Rescue Structure.	Jun-11	Contractor agreed to fully fund procurement exercise on behalf of the Authority, through life legislative periodic test & inspection will also be carried out by the Contractor.	£ -	£ 11,400	£ 11,400	Contract change should be considered for this service (please see letter for additional detail).
See letter 01.12.10 from G Evans to G Davies.	Lift Installation.	Oct-11	Contractor agreed to fully fund procurement exercise, in addition through life legislative periodic test & inspection will also be carried out by the Contractor.	£ -	£ 13,300	£ 13,300	Contract change should be considered for this service (please see letter for additional detail).
Clause 12.9 (Facilities Management)	Installation of automated security gate.	Oct-07	Contractor procured and installed the system to ensure full compliance with clauses 2.2.1.2 and 2.2.3.2.	£ 17,800	£ 16,000	£ 33,800	Contract change should be considered for this service.
2.2.3.2 Security	Fire ground cordon.	Jan-08	Contractor procured and installed the system to ensure full compliance with 2.2.3.2.	£ 3,600	£ -	£ 3,600	Contract change should be considered for this service.
See letter 07.12.10	Design, fabrication & installation of ship doors and hatches.	Jul-11	Contractor agreed to undertake procurement and coordinate installation on behalf of the Authority.	£ -	£ -	£ -	Contract change should be considered for this service (please see letter for additional detail).
JMB Minutes Jun 2007 onward refer	Command & Control Suite (Hydra Minerva)	Jun-07	Contractor coordinated installation programme on behalf of the Authority.	£ -	£ -	£ -	No contract change required.
JMB Minutes Dec 2009 Item 4	LPG, nitrogen and smoke oil usage.	Mar-10	Ongoing consumable costs associated with pallet fires, smoke generators and space heaters, recoverable in accordance with consumable re-charge matrix agreed with the Authority 02.08.11.	£ -	£ -	£ -	Contract change should be considered to account for ongoing recovery mechanism of consumable usage charges.
NA	PAT testing.	Contract Start	Contractor currently undertakes approx £600 p/a of Cat3 equipment PAT testing on behalf of the Authority in addition to the scope of the current contract.	£ -	£ 14,400	£ 14,400	Contract change should be considered for this service.
Schedule 8 Part A Training Points. (Sub Contracted Courses) and 1.10 Training Capacity	Training provider budget carry over.	Contract Start	Contractor agreed with the Authority to allow carry over of budget held for the delivery of sub contract courses, providing additional support to the Authority where the underspend may have been declared as a saving.	£ -	£ -	£ -	Consideration should be given to the future practice of budget carry over.
NA	Catering.	Jun-07	Current flexible arrangements for the provision of toast, packed lunches and fire ground refreshments have been agreed. Where arrangements exceed the scope of the original contract and result in additional charges from the catering sub contractor, the resultant cost are subsequently recovered from the Authority via the training point mechanism.	£ -	£ -	£ -	Contract change should be considered to revise service requirement and establish appropriate cost recovery mechanism.
NA	Procurement service.	Mar-07	Contractor has undertaken a number of procurement exercises on behalf of the Authority, historically the Contractor has applied an admin fee of 10% for procurement values <2K and a fixed £200 for values >2K but this has not been reflected in the contract.	£ -	£ -	£ -	Future provision of this service should be reconsidered by the parties.
JMB Minutes Oct 2010 Item 6	Provision of heavy rescue vehicles.	Oct-10	Supply of LGV Heavy Rescue Vehicles are outside the scope of supply. In adopting a supporting position the contractor as adopted a flexible approach, provided requirement for a mixture of LGV, van & cars subject to and within the limitations of the annual scrap vehicle budget.	£ -	£ -	£ -	Contract change should be considered for this service.
<b>Total</b>				<b>£ 79,150</b>	<b>£ 408,470</b>	<b>£ 487,620</b>	

**SOUTH WALES FIRE & RESCUE AUTHORITY**

AGENDA ITEM NO 6

HR &amp; EQUALITIES COMMITTEE

14 NOVEMBER 2011

REPORT OF THE ACO CORPORATE SERVICES

**ANNUAL REPORT TO WELSH LANGUAGE BOARD****SUMMARY**

This report updates Members on progress being made against the targets set out in the Authority's Welsh Language Scheme 2010-2013.

**RECOMMENDATION**

That Members note the content of the report.

**1. BACKGROUND**

- 1.1 Members will be aware that in July 2010 the Fire & Rescue Authority approved a new Welsh Language Scheme for 2010-2013 that states how the Authority would ensure that in the conduct of Public Business in Wales, it would treat the English and Welsh languages on the basis of equality.
- 1.2 The implementation of Welsh Language Schemes by public bodies is monitored by the statutory body created under the auspices of the Welsh Language Act 1993 and known as the Welsh Language Board.
- 1.3 As part of the Welsh Language Board's monitoring process, all public bodies in Wales are required to submit an Annual Report that states progress against the targets that the Fire & Rescue Authority has agreed with the Welsh Language Board, and has published in its Welsh Language Scheme.

## **2. ISSUE**

- 2.1 The Authority's current Welsh Language Scheme has agreed six targets with the Welsh Language Board that would be implemented during the period 2010-2013. These targets are in addition to the ongoing mainstreaming of Welsh language into the Authority's core business which was the primary focus of the 2007-2010 Scheme. The challenge for the Authority in the period 2010-2013 would be to continue to provide the high quality Welsh language services that have been developed and embedded during the previous seven years, given the financial constraints currently operating within the public sector.
- 2.2 The Welsh Language Officer is confident that the measures taken to establish the Welsh language across all areas of business in previous Welsh Language Schemes are sustainable into 2011 within existing and projected budgets.
- 2.3 Appendix 1 sets out the targets and the progress to date.

## **3. RECOMMENDATION**

- 3.1 That Members note the content of the report.

**SALLY CHAPMAN**  
**ACO CORPORATE SERVICES**

### **Background Papers:-**

Update on Welsh Language Scheme Targets 2010-2013

### **Contact Officer:-**

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## APPENDIX 1

## UPDATE ON WELSH LANGUAGE SCHEME TARGETS – AUGUST 2011

Scheme Ref	Target	Target Date	Update
2.1.6	Develop a summary of the Scheme for staff	31.03.11	<p>This target has not been achieved. Work that had previously begun on creating an Intranet guide for staff on the main points of the Scheme has had to be put on hold due to the increased workload of the Welsh Language Officer. This increased workload is due to the lack of administrative support previously provided by the Welsh Language/Policy Administrative Assistant who is on long term sickness absence. The post has not been back-filled and has subsequently been subsumed into the Business Support Department. The Welsh Language Officer has been without specialist admin support since January 2010. Since the end of May 2011, the Welsh Language Officer has also been</p>

			undertaking translation work to cover the role of the Welsh Translator; this is in addition to maintaining her own workload and responsibilities. The Welsh Language Board has noted its concern that the target remains unachieved. With the continuing absence of the Welsh Language Administrative Assistant, and the duties of that post not having been covered, it is not possible to set a new target date with any confidence.
2.3.3	Conduct a mystery shopper exercise.	31.12.10	Target not achieved due to the unavailability of the third sector organisation that was due to undertake the exercise. A joint public opinion survey was undertaken with most of the constituent unitary authorities instead. The results of this survey were included in the Annual Report to the Welsh Language Board which came before the Authority in June this year.
3.2.4	Eight posts in Control to be designated as Welsh essential by 2013.	31.03.13	Following discussion with the GM in charge of Control, the number of Welsh essential posts occupied by Welsh

			speakers has been downgraded to six. Due to the fact that no recruitment to Control is planned for the foreseeable future, it is very unlikely that the target of eight posts designated as Welsh essential and filled by Welsh speakers would be achieved by the target date.
4.3.1	Rolling programme to replace existing monolingual signage.	31.03.13	No progress was made against this target to date. The Service plans to conduct a major refurbishment of two Fire Stations during 2011 and will use those stations as models for future replacement of monolingual signage.
5.1.3	Develop policy for increase use of Welsh internally.	31.03.12	Work was scheduled to commence on this in June 2011. However, due to the reasons stated in 2.1.6 above, work has not yet commenced. Workload of the Welsh Language Officer permitting, work is now scheduled to commence in September 2011.
5.8.2	Submit Annual Report to Welsh Language Board.	30.06.11	Annual Report submitted to Welsh Language Board on target date.



## **SOUTH WALES FIRE & RESCUE AUTHORITY**

AGENDA ITEM NO 7

HR & EQUALITIES COMMITTEE

14 NOVEMBER 2011

REPORT OF THE ACO CORPORATE SERVICES

### **STRATEGIC EQUALITY PLAN UPDATE**

#### **SUMMARY:**

The Equality Act 2010 will impose a Single Public Duty on all Public Sector Organisations. This report outlines how SWFRS has prepared for the duty.

#### **RECOMMENDATION:**

That Members request departmental updates of progress against the Strategic Equality Plan.

That Members have access to the Equality Risk Assessment training and development sessions during 2011 and 2012.

That Members discuss their development requirements as part of the WLGA training needs analysis for equality and diversity.

That Members note the contents of the report and support the ongoing equality and diversity work.

## **1. BACKGROUND**

- 1.1 Over the last four decades discrimination legislation has played an important role in helping to make Britain a more equal society. However, the legislation was complex and, despite the progress that has been made, inequality and discrimination persist and progress on some issues has been stubbornly slow. How Fair Is Wales? published by the Equality and Human Rights Commission (EHRC) early 2011 also highlighted where current inequalities exist in Wales and in particular the link between socioeconomics and inequality. The Equality Act 2010 and the public sector equality duty in Wales (2011) intended to address these issues.

## 1.2 What is the general equality duty?

It is how we can positively contribute to a fairer society through advancing equality and good relations into our day to day activities, building it into the design of our policies and the delivery of our services and that they are kept under review. This will achieve better outcomes for all.

We must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited under the Act
- advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not

## 1.3 What are the 9 protected characteristics?

- |                       |                                     |  |
|-----------------------|-------------------------------------|--|
| • Age                 | • Pregnancy and maternity           | • Sex                                      |
| • Disability          | • Race                              | • Sexual orientation                       |
| • Gender reassignment | • Religion or belief – inc. lack of | • Marriage and civil partnership – limited |

## 1.4 What do the specific duties cover?

Specific Duties in Wales are set out in the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011. The specific duties in Wales came into force on 6 April 2011.

- |                            |                              |
|----------------------------|------------------------------|
| • Objectives               | • Staff training             |
| • Strategic Equality Plans | • Procurement                |
| • Engagement               | • Annual reporting           |
| • Assessing impact         | • Publishing                 |
| • Equality information     | • Welsh Ministers' reporting |
| • Employment information   | • Review                     |

- Pay differences
- Accessibility

## **PROGRESS**

### **2. Strategic Equality Plan (SEP)**

- 2.1 In 2010 a corporate Equality Task Group was established to develop inclusive equality objectives for SWFRS as required by law. Approximately 1000 staff and community members were involved and consulted and service data analysed to produce information which assisted Directors and Heads of Service develop equality objectives (See Appendix 1) and action to attain those objectives. The SEP was completed in March 2011 and presented to SMT for approval.
- 2.2 The SEP has not been published although managers are working towards their actions for year one. As the Plan is still in draft actions have not yet been entered into the action database and thus the reporting mechanism is not in place.
- 2.3 It is anticipated that ACO Corporate Services and ACO People Services will authorise final external consultation in due course (by December 2011 latest) to enable the SEP to enter the formal approval process through SMT and Fire Authority to be published by the legal deadline of April 2 2012.
- 2.4 It is expected that Equality and Diversity will become more closely aligned with the improvement planning process and will feature as an integral part of future Improvement Plans rather than a distinct Equality Scheme and plan which has been required by law in the past.

### **3. Legislative and Statutory Updates**

- 3.1 SMT, the Corporate Equality Task Group, Training and Development, some station staff and Corporate Services have received presentations and workshops on the implications of the Equality Act and Specific Duties in Wales as well as the findings of How Fair is Wales? publication. The statutory guidance for the public sector published by the EHRC has been circulated to SMT with a summary report

outlining where SWFRS is compliant and where the areas for development are. The report is attached as Appendix 2.

#### **4. Equality Task Group (ETG)**

- 4.1 The ETG continues to meet bimonthly to assist and oversee the implementation of the SEP. Departments provide updates against the SEP and the group advises and assists with implementation. Meetings are held on stations, involving station staff and include development activity which so far has been well received and proven to develop relations between HQ and station staff and facilitate learning about our diverse roles as well as shared responsibilities. The ETG has offered to report progress quarterly to SMT when required.
- 4.2 The Diversity Officer presented to the WLGA Equality Network in mid Wales in June attended by Equality and Diversity Managers and Heads of Service from Local Government, Ambulance, FRS, Welsh Government and Police. The Equality Task Group, its involvement with the SEP and the subsequent draft objectives have been noted as good practice in Wales and the WLGA asked if SWFRS would share its learning and experience.

#### **5. CFOA POD and National Equality Group**

- 5.1 An All Wales Equality and Diversity Strategy has been drafted and the Welsh Government is in the final stages of assessing consultation feedback. The aim is for the 3 FRS in Wales to work together on key mutual areas of interest identified in each service SEP and to share resources, ideas and learning. The Strategy and its intentions were well received.
- 5.2 It is anticipated the Strategy and action plan will be published in the Autumn. Areas of joint work include:
- a single Equality Risk Assessment process and training for the 3 FRS
  - An equality and diversity training needs analysis funded by the WLGA for all staff and Fire Authority Members.

- Mainstreaming equality and diversity in Operational Assurance Reviews

5.3 An Equality Risk Assessment process and training programme for the 3 FRS in Wales is almost complete. One pilot session was held in SWFRS which informed a final training programme and process which will be rolled out across Wales 2011 and 2012. Eight sessions in total for each FRS, training will also be attended by Welsh Government staff from the Fire Policy Unit. Members are also welcome.

## **6. FINANCIAL IMPLICATIONS**

6.1 There are no additional financial implications.

## **7. RECOMMENDATION**

- 7.1 That Members request departmental updates of progress against the Strategic Equality Plan.
- 7.2 That Members have access to the Equality Risk Assessment training and development sessions during 2011 and 2012.
- 7.3 That Members discuss their development requirements as part of the WLGA training needs analysis for equality and diversity.
- 7.4 That Members note the contents of the report and support the ongoing equality and diversity work.

## **SALLY CHAPMAN** **ACO CORPORATE SERVICES**

### **Background Papers:**

Draft SWFRS Equality Objectives and SMT Report June 2011

### **Contact Officer:**

**Vicky Gregory**

Diversity Unit

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## **Appendix 1 Draft Equality Objectives 2012-2016**

### **Our Communities**

- Risk reduction information and delivery is accessible to all communities and tailored to their needs
- Tailored, coordinated and sustainable community engagement activity fosters mutual trust and understanding which informs improvements in service delivery.

### **Our People**

- Staff feel valued and have equal access to development opportunities
- Open, honest and multi directional communication fosters trust, builds relationships and informs improvements for our staff. This includes transparency and equality relating to pay
- Staff conflict is resolved quickly
- Opportunities for flexible working enable staff to balance work and life

### **Our Organisation**

- Leaders are confident in promoting equality and diversity messages internally and externally
- The benefits of Equality Impact Assessments are understood by all staff and are carried out at the beginning of any activity, decision, and project or policy development
- Transparent reporting of equality and diversity successes and challenges
- An Authority that seeks out improvements and is willing to reengineer existing and traditional ways of working to embrace the opportunities of the current economic climate
- Equality data is collated, analysed and used to inform improvements

### **Our Resources**

- SWFRS uses public money in a fair and equitable way sustaining local communities and organisations. Widening access to contracts by promoting opportunities to SMEs, local business and the third sector

### **Sustainability**

- Internal and external communications promote key equality and diversity messages and recognise the diverse communication requirements of staff and the community
- Achievements and successes are celebrated and promoted internally, locally and nationally

## Appendix 2

### **Review of the Equality and Human Rights Commission Non Statutory Guidance for the Public Sector Equality Duty in Wales submitted to SMT June 2011.**

A review of the following guidance was undertaken:

1. The essential guide to the public sector equality duty in Wales
2. Equality objectives and strategic equality plans
3. Engagement
4. Assessment of Impact
5. Equality Information
6. Employment information, pay differences and staff training
7. procurement
8. Annual reporting, publishing and ministerial duties

I am assured that apart from the issues listed below we have addressed all the requirements set out in the above mentioned guidance. A full review and new SEP will be required 4 years from publication.

Issues outstanding, in my view are:

1. To identify what data we collect and identify gaps (HR & Service Delivery). This task was allocated to me and Phil Harding who has retired, a nominated person from HR and Service delivery to assist with this straight forward task would enable us to complete this exercise and add it to our SEP. We also need clarity as to where the relevant employment information will be published annually.
2. Training on the general duty for FA and staff, this is an objective in the SEP for training and needs to be carried out.
3. We are required to report annually on progress in particular areas. I have drafted an Annual Equality Report Template. I have met with Kevin, Sarah and Howard and we have agreed to work towards publishing this as part of the Improvement Plan from 2013.
4. There are specifics around assessing impact, and EIAs which I will include in the EIA review currently underway. This will be complete by September 2011.
5. A consultation and involvement strategy would be useful to us, but is not a statutory or legal requirement.
6. How will we evidence that FA and SWFRS has judged whether a particular policy or practice is relevant or not to the general duty and therefore if it requires an EIA? (i.e. 1. to eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the Act. 2. Advance equality of opportunity between people who share a relevant protected characteristic and those who do not. 3. Foster good relations between people who share a protected characteristic and those who do not).

Other than that to the best of my knowledge the SEP meets the legislative and non statutory guidance requirements.

I hope this provides some assurance that we are already in a good position for compliance come April 2012, the only criticism I can for see is not publishing the SEP immediately after it was developed, which is a legal requirement. If we wait for the All Wales Strategy to be published (end of year) our SEP will be 12 months out of date which breaches the legal requirement to publish immediately to ensure objectives are relevant,

so if we address the above issues and send the SEP out for consultation it could be published by September 2011.

Vicky Gregory

Diversity Unit June 2011

## SOUTH WALES FIRE &amp; RESCUE AUTHORITY

## AGENDA ITEM NO 8

## HR &amp; EQUALITIES COMMITTEE

14 NOVEMBER 2011

## REPORT OF THE ACO PEOPLE SERVICES

**SICKNESS ABSENCE REPORT – 1 April 2010 to 31 March 2011****SUMMARY:**

For the period 1 April 2010 to 31 March 2011 the average number of shifts/working days lost, for all staff (excluding Retained Staff) is 7.08 days per employee.

For the same period (excluding Retained Staff), short term absences were recorded at 61.5% (1269 occurrences equating to 5239 shifts/working days) (excluding Retained staff) and 38.5% (233 occurrences equating to 3280 shifts/working days) for long term absences.

Retained Staff (RDS) figures are not included due to difficulties in reporting shifts/working days lost because of the working patterns associated with the retained duty system.

**RECOMMENDATION:**

That Members note the contents of this report.

**1. BACKGROUND**

1.1 Members of the HR & Equalities Committee requested a report on the sickness absence statistics for:

- The full financial year 1 April 2010 to 31 March 2011 (showing comparisons with the previous year 2009/10)
- A split of the statistics in terms of long-term and short-term absences
- An analysis of the H&S/accident figures that relates to the sickness absence period

- 1.2 Graphs have been included to show pictorially the sickness absence trends set against the equivalent period for the year 2009/2010.

## **2. ANALYSIS OF SICKNESS STATISTICS FOR THE PERIOD 1 APRIL 2010 TO 31 MARCH 2011**

- 2.1 All figures relate to the number of working days/shifts lost to sickness absence per full time equivalent employee in accordance with the requirement of the Corporate Health Workforce Indicators (CHR) submissions to the Welsh Assembly Government.
- 2.2 An analysis in terms of the average number of shifts/working days lost per employee, in each category of staff (excluding Retained Staff), for the period 1 April 2010 to 31 March 2011 is shown in Appendix 1. These figures are shown alongside the figures for the corresponding period in 2009/10. Appendix 2 shows these figures graphically for each category of staff.
- 2.3 It can be seen that the average number of shifts/working days lost per employee for all categories of staff (excluding Retained Staff) for the year 2010/2011 is 7.08 days per employee in comparison with 7.39 days per employee for 2009/2010.

## **3. ANALYSIS OF SHORT AND LONG TERM SICKNESS FOR THE PERIOD 1 APRIL 2010 to 31 MARCH 2011**

- 3.1 The definition of short-term and long-term absence is in accordance with the Corporate Health Workforce Indicators (CHR). Short-term equates to those individuals continuous period of sickness of 28 calendar days or less. Long-term equates to those individuals whose continuous period of sickness is more than 28 calendar days.
- 3.2 An analysis in terms of the short term and long term absences (excluding Retained Staff), for the period 1 April 2010 to 31 March 2011 is shown in Appendix 3. These figures are shown alongside the figures for the corresponding period in 2009/10 in Appendix 4.

3.3 It can be seen that 61.5% (1269 occurrences equating to 5239 shifts/working days) for short term absences (excluding Retained staff) and 38.5% (233 occurrences equating to 3280 shifts/working days) for long term absences (excluding Retained Staff).

#### **4. ACCIDENTS LEADING TO SICKNESS ABSENCES FOR THE PERIOD 1 APRIL 2010 TO 31 MARCH 2011**

4.1 An analysis of the accidents on duty to staff during the period 1 April 2010 to 31 March 2011 has been undertaken. There were 29 accidents on duty during the year which resulted in absence from work. 18 accidents related to WDS staff (resulting in 290 shifts/working days lost), and 1 accident relating to Control staff (resulting in 16 shifts lost). There were 10 accidents related to RDS staff (resulting in 186 days lost, please note this is not shift/working days).

4.2 There were no Support Staff accidents reported.

#### **5. RECOMMENDATION**

5.1 That Members note the contents of this report.

#### **PHILIP HAYNES** **ACO – PEOPLE SERVICES**

#### **Background Papers:**

None

#### **Contact Officer:**

Mr Mark Malson - Head of HR

E-Mail: <mailto:m-malson@southwales-fire.gov.uk>

Tel: 01443 232024

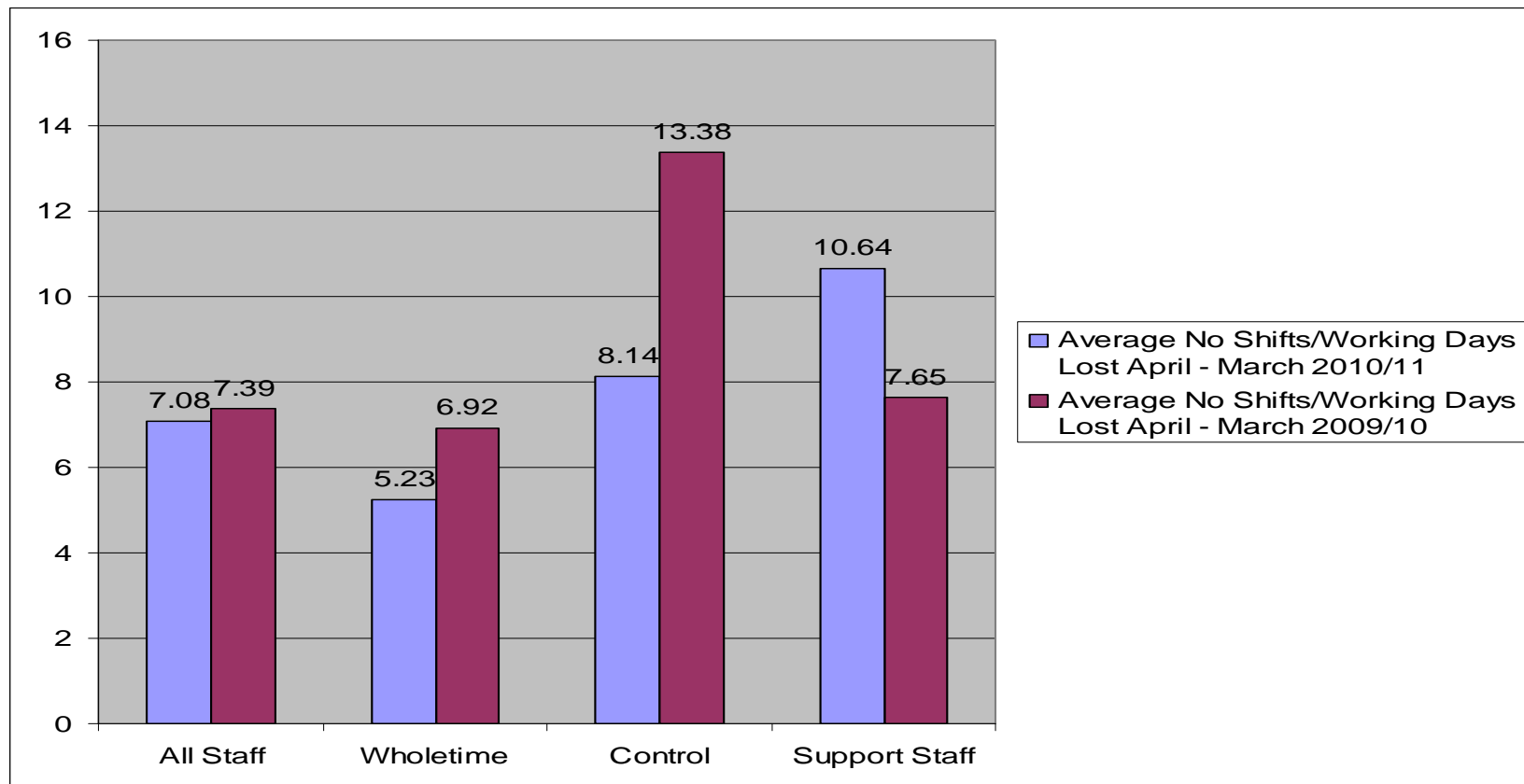
**AVERAGE NUMBER OF SHIFTS/WORKING DAYS LOST PER EMPLOYEE  
FOR THE PERIOD 1 APRIL 2010 TO 31 March 2011**

<b>Category of Staff</b>	<b>Target No. shifts/Working Days Lost 2010/11</b>	<b>Average No. Shifts/Working Days Lost – 1st April 2010 to 31 March 2011</b>	<b>Average No. Shifts/Working Days Lost – 1 April 2009 to 31 March 2010</b>
<b>All Staff</b>	7.8	7.08	7.39
<b>Wholetime Staff</b>	7.1	5.23	6.92
<b>Control Staff</b>	12.1	8.14	13.38
<b>Support Staff</b>	8.4	10.64	7.65

## APPENDIX 2

**GRAPHS SHOWING THE  
AVERAGE NUMBER OF DAYS LOST PER EMPLOYEE FOR THE PERIOD 1 APRIL 2010 - 31 March 2011  
and 1 APRIL 2009 – 31 March 2010**

**BY STAFF CATEGORY**



**ANALYSIS OF SHORT AND LONG TERM ABSENCES FOR THE PERIOD 1 APRIL 2010 TO 31 March 2011  
BY STAFF CATEGORY**

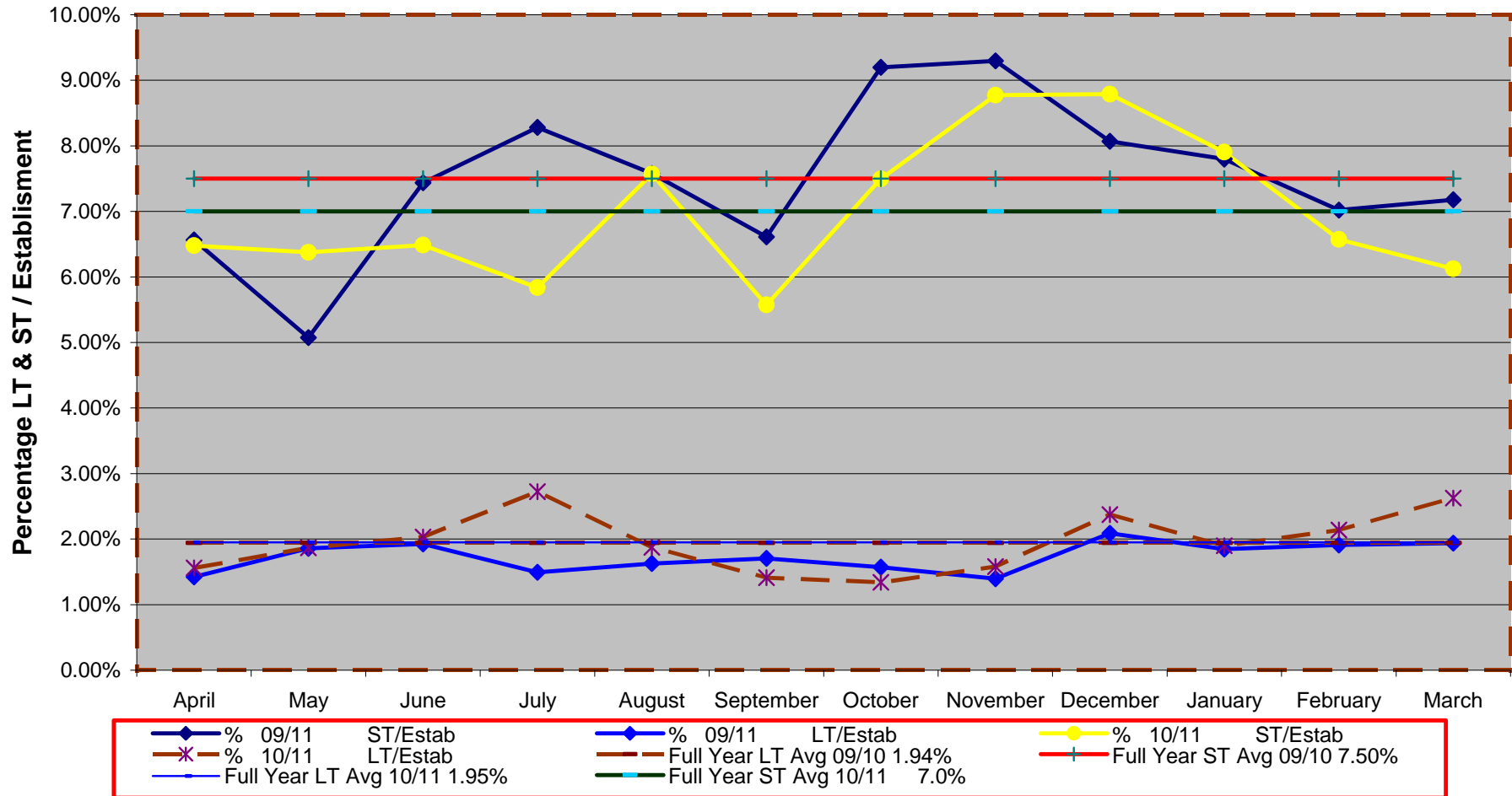
**(NB. Figures in Brackets are for the Period 1 April 2010 to 31 March 2011 and are the Number of  
Shifts/Working Days Lost)**

Staff Category	Short Term		Long Term	
	No. of Occurrences	Percentage of No of Days Lost	No. of Occurrences	Percentage of No of Days Lost
<b>All Staff</b>	1071 (5239)	61.50	233 (3280)	38.50
<b>Wholetime Staff</b>	675 (3160)	63.31	164 (1831)	36.69
<b>Control Staff</b>	66 (264)	54.32	12 (220)	45.28
<b>Support Staff</b>	330 (1815)	59.63	57 (1229)	40.37

Appendix 4

**All Staff - LT/ST sick Against Establishment. 2009/2010 & 2010/2011(as %)  
(Excluding Retained)**

09/10 - Average LT 1.94% & ST 7.5% / 10/11 - Average LT 1.95% & ST 7.00%





## **SOUTH WALES FIRE & RESCUE SERVICE**

AGENDA ITEM NO 9

HR & EQUALITIES COMMITTEE

14 NOVEMBER 2011

REPORT OF THE ACO PEOPLE SERVICES

### **REPORT ON THE ESTABLISHMENT OF A JOINT CONSULTATIVE COMMITTEE**

#### **SUMMARY:**

This report details the main reasons for the establishment of a Joint Consultative Committee (JCC), incorporating Members of the Fire & Rescue Authority, Officers of the Service and Employee Representatives of all the recognised Trade Unions.

The report also outlines the legal requirements for a JCC, methods of consultation, the setting up of a JCC and its constitution and an outline of what could be discussed at such a committee.

#### **RECOMMENDATION**

Members give consideration to the establishment of a Joint Consultative Committee outside of the normal negotiating forums already established within the Service. This will provide ample opportunity for all sides to discuss organisationally issues in a frank, open and honest forum before going in to formal negotiation.

## **1. INTRODUCTION**

- 1.1 This report details the main reasons for the establishment of a Joint Consultative Committee (JCC) incorporating Members of the Fire & Rescue Authority, Officers of the Service and Employee Representatives of all the recognised Trade Unions. The report also outlines the legal requirements for a JCC, methods of consultation, the setting up of a JCC and its constitution and an outline of what could be discussed at such a committee.

- 1.2 Consultation involves taking into account of, as well as listening to, the views of employees and must take place before any managerial decisions are made. Consultation requires a free exchange of ideas and views affecting the interests of employees and the Service.
- 1.3 It is about on-going dialogue with the workforce representatives so that employees are kept up-to-date about significant developments in the workplace. It is more than simply providing information. Consultation means employee representatives have the chance to express an opinion about particular issues, and the Service genuinely and conscientiously considers and responds to their views.

## **2. LEGAL ASPECTS OF CONSULTATION**

- 2.1 The legal aspects of consultation are laid down in the European Framework Directive on Information and Consultation (2002/14/EC). The European Union Directive for informing and consulting employees gives employees the right to be:
- Informed about the business's economic situation
  - Informed and consulted about employment prospects, and
  - Informed and consulted about decisions likely to lead to substantial changes in work organisation or contractual relations, including redundancies and transfers.
- 2.2 The Service also has a legal obligation to consult with employees on health and safety (Health & Safety at Work etc Act 1974), redundancies (The Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations Act 1995), business transfers ((The Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations Act 1995 & 1999), works councils (European Framework Directive on Information and Consultation (2002/14/EC) and Occupational Pensions (The Social Security Pensions Act 1975 and the Companies Act 1985, amended 1989).

### **3. METHODS OF CONSULTATION**

3.1 Currently direct negotiation with the recognised Trade Unions within the Service is led by the DCFO and carried out with regular, scheduled, meetings as follows:

- Other Ranks Negotiating Meeting with representatives of the Fire Brigades' Union and Fire Officers Association (FOA). The Retained Firefighters Union (RFU) is not represented at this forum.
- Support Staff Negotiating Meeting with representatives of Unison, Unite and GMB.

3.2 There is no informal/indirect consultation with the workforce via a consultation forum that brings all of the above Trade Union Representatives together. Although there have been occasions where all trade union representatives have come together jointly to review or develop policy and procedures collectively and to consider specific issues e.g. Risk Reduction Plan (RRP) Projects.

3.3 It is worth noting that there is also a proportion of the workforce that are not represented by, or affiliated to any of the above mentioned Trade Unions and that no negotiation or consultation takes place with them.

3.4 Indirect consultation through employee representatives could be best carried out in a formally constituted forum such as a Joint Consultative Committee (JCC) for such things as review of policies and procedures, for example discipline, sickness and health and safety policies.

### **4. JOINT CONSULTATIVE COMMITTEE**

4.1 The establishing of a JCC requires Fire & Rescue Authority Members, Officers of the Service, Trade Union Representatives and employee representatives to lay down the rules and procedures that will govern the JCC's operation.

#### 4.2 The main considerations are:

- Size and composition – as a general rule the size of the committee should be kept to a minimum, ensuring all the major employee groups are represented. Extra Members can be co-opted on to the committee as required.
- Organisation meetings and frequency – meetings should be held quarterly (or more regularly if required due to the issues of the day). Every meeting should have a prepared agenda and secretarial support.
- Subjects to be discussed – these should be agreed and most commonly these are in relation to working conditions, new ways of working, quality, training, health and safety, new equipment, staffing levels and welfare, risk reduction plan etc. although this list is not exhaustive.
- Facilities for Committee Members – Members of the Committee should be allowed appropriate time off away from their day to day role to prepare for, attend and carry out the work of the Committee.
- Reporting back – it is essential that representatives and managers can report back on the deliberations of the committee, this could include briefing groups, newsletters, notice boards and the circulation of the Committees minutes.

4.3 A draft JCC Constitution and Terms of Reference is attached at Appendix A.

### **5. REPRESENTATIVE BODIES IMPLICATIONS**

5.1 The introduction of a JCC will need to be consulted on with the existing Trade Union Representatives. Special consideration will need to be given to the issues surrounding the recognition of the RFU within the National Joint Council (NJC).

5.2 Also consideration will need to be given to establishing a Staff Association for those who are not in a recognised trade union and for them to elect a representative(s).

## **6. RECOMMENDATION**

- 6.1 Members give consideration to the establishment of a Joint Consultative Committee outside of the normal negotiating forums already established within the Service. This will provide ample opportunity for trade union representatives to discuss organisationally issues in a frank, open and honest forum before going in to formal negotiation.

**PHILIP HAYNES**  
**ACO PEOPLE SERVICES**

**Background Papers:**

Promoting Employment Relations and HR Excellence - ACAS

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## APPENDIX A

### JOINT CONSULTATIVE COMMITTEE

### CONSTITUTION AND TERMS OF REFERENCE

#### TITLE

The Committee shall be known as the Joint Consultative Committee (JCC) a joint forum involving representatives of the Fire Authority, SWFRS Senior Management Team, Recognised Trade Union representatives and Staff Association (non-affiliated) representatives.

#### AIM

The aim of the JCC is to establish regular methods of consultation between the Service and employees through their Trade Union representatives in order to maintain good employee relations.

#### TERMS OF REFERENCE

The purpose of the Committee is:

- To provide a forum for the presentation, discussion and consultation on matters of joint concern, to include by not exclusive to:
  - Negotiating machinery and procedures
  - Terms and conditions of service
  - Staffing and pay structures
  - Employment policies and procedures
  - Matters of healthy, safety and welfare
  - Operational issues
  - Staff training and development

- Professional issues concerning all groups of staff
- Diversity and equal opportunities matters
- To update the Committee on on-going issues and to give early notice in relation to future initiatives and change which may affect staff
- To share and discuss key initiatives, ideas and identify opportunities for joint action with the aim of improving the overall operations of the SWFRS.

It is recognised that matters will be progressed outside of this Committee, and that consultation will take place in other forums.

The JCC is not the formal negotiating forum for the Service. All issues discussed and agreed up on will be referred to the formal negotiating forums for agreement.

## **MEMBERSHIP**

Membership of the JCC will be as follows:

### **Fire Authority Members**

One Member from each of the political groups represented on the Fire Authority.

### **Senior Management Team**

- Deputy Chief Fire Officer (Chair)
- ACO People Services
- Head of HR

Additionally any Officer of the Service can be co-opted to attend the JCC in respect of the specific issues place on the agenda for which they have area of responsibility or expertise.

### **Trade Union Representatives**

Fire Brigades Union – 2  
 Fire Officers Association – 2  
 Retained Fire Brigades Union – 2  
 Unite Union – 2

GMB Union – 2  
Unison - 2  
Staff Association x 2

This is not an exhaustive list of members and it will be possible to co-opt other trade union representatives on to the Committee depending on subject matter etc.

## **FREQUENCY AND MANAGEMENT OF MEETINGS**

The JCC will meet quarterly during the financial year, or more frequently dependent on the issues and their importance to the Service, or unless it is agreed by both sides that there is insufficient business to require such a frequency.

The Deputy Chief Fire Officer will chair the meeting. The Chair may convene a special meeting of the JCC at any time, following a request from either side and after being given reasonable notification.

An agenda will be circulated 10 days prior to the meeting of the JCC to inform of all the items tabled for consideration. Any supporting documents and/or reports will be circulated with the agenda where appropriate. Minutes will be taken and circulated to all members. The minutes will be posted to the Service's Intranet Site.

The quorum for all meetings shall be 3 representatives of each side excluding the Chair.

In the event of an Elected Member being unable to attend a meeting, they may nominate any member of the Fire Authority from their political group as their substitute.

In the event of any Trade Union representative being unable to attend a meeting, the sponsoring Union may substitute a member of their particular Union, but should ensure where possible, that the person nominated is an employee of the Service.

Amendments to the constitution may be made at any meeting of the JCC provided that notice in writing has been given to the DCFO as Chair of the Committee, and with at least one months notice.

## **SOUTH WALES FIRE & RESCUE AUTHORITY**

AGENDA ITEM NO 10

HR & EQUALITIES COMMITTEE

14 NOVEMBER 2011

REPORT OF THE ACO PEOPLE SERVICES

### **GRIEVANCE AND DISCIPLINE ISSUES APRIL TO AUGUST 2011**

#### **SUMMARY:**

This report provides a summary of grievance and discipline matters investigated by the Resolution Unit during the period April 2011 to 31 August 2011.

#### **RECOMMENDATION:**

That Members note the contents of this report.

## **1. BACKGROUND**

- 1.1 Members have requested, as part of the Forward Work Programme of the HR & Equalities Committee, a report in respect of Grievance and Discipline activity for the first half of the financial year 2011. Due to the timescales for reporting procedures the report only references the period 1 April 2011 to 31 August 2011.
- 1.2 The main purpose of the Grievance Policy is to ensure that an individual member of staff who feels aggrieved about the way they have been treated either by a manager or a colleague is given the opportunity to have their issue(s) resolved in a fair and just manner. In addition to being good practice this is a statutory obligation under the Employment Act 2008.
- 1.3 The purpose of the Discipline Policy and Procedure is to help and encourage all employees in achieving and maintaining standards of conduct, attendance and job performance. The

aim is to ensure consistent and fair treatment for all employees in dealing with discipline related matters.

## **2. GRIEVANCES**

2.1 During the period April to August 2011 there have only been 5 grievances received.

2.2 Of the 5 grievances 3 were received from uniformed personnel and 2 from uniformed control staff. There were no grievances received from support staff.

2.3 The reasons for the grievances and there outcomes were:

- Selection criteria utilised for temporary promotion (Uniformed) – not upheld
- Change to contracted hours of a post, unfairness in promotion process (Uniformed) – not upheld
- Detriment package (Uniformed) – not upheld not suitable for grievance procedures due to collective agreement
- Cancellation of annual leave (Control) - Remitted for local resolution
- Irregularities during fact finding investigation (Control) - Investigated but withdrawn prior to resolution (would not have been upheld)

## **3. DISCIPLINE**

3.1 During the period April to August 2011 there have been 23 reported alleged breaches of discipline.

3.2 Of the 23 reported disciplinary matters 19 related to uniformed personnel, 1 uniformed control and 3 support staff personnel.

3.3 The 23 cases can be classified as follows:

- |   |   |   |
|---|---|---|
| • Criminal Conduct                              | - | 6 |
| • Criminal Conduct Drink Driving                | - | 2 |
| • Driving Offence                               | - | 2 |
| • Inappropriate use of IT/Email/Social Networks | - | 4 |

- Bullying & Harassment - 2
- Disobedience to Orders/Neglect of Duty - 3
- Breach of Alcohol Policy - 1
- Offensive/Obscene Behaviour - 2
- Breach of Sickness Policy - 1

3.4 Of these 12 cases are still on-going, 2 cases required no further action following Police investigation, 4 cases were dealt with by managerial action, 2 cases were dealt with by informal resolution, and 1 individual received a written warning, 1 individual resigned during the investigation process and 1 case we were unable to progress due to identification issues.

3.5 In 7 cases individuals have been suspended from duty, 5 uniformed, 1 control and 1 member of support staff, whilst their cases are being investigated.

#### **4. HR IMPLICATIONS**

4.1 All grievances and reports of gross misconduct and misconduct are investigated by Investigating Officers from the Resolution Unit, part of the Human Resources Directorate.

4.2 All decisions in respect of suspension from duty are agreed with the Head of Service for the relevant directorate and the Head of HR.

#### **5. REPRESENTATIVE BODY CONSULTATION**

5.1 All disciplinary cases are reported to the relevant Trades Union Representatives, and representatives are notified immediately of any decisions to suspend an individual from duty.

#### **6. EQUALITIES AND DIVERSITY IMPLICATIONS**

6.1 All grievances and allegations of misconduct are reviewed with regard to equalities issues.

## **7. RECOMMENDATION**

7.1 That Members note the contents of this report.

**PHILIP HAYNES**  
**ACO – PEOPLE SERVICES**

**Contact Officer:**

Mr Mark Malson

E-Mail: [m-malson@southwales-fire.gov.uk](mailto:m-malson@southwales-fire.gov.uk)

Tel: 01443 232024

## **SOUTH WALES FIRE & RESCUE AUTHORITY**

AGENDA ITEM NO 11

HR & EQUALITIES COMMITTEE

14 NOVEMBER 2011

REPORT OF THE ACO PEOPLE SERVICES

### **UNIFORMED OFFICERS MARKINGS**

#### **SUMMARY:**

At the previous meeting of the HR & Equalities Committee the Members asked for a report which identified the markings associated with the complete range of roles in the Service.

#### **RECOMMENDATION:**

That Members note the contents of this report.

### **1. BACKGROUND**

1.1 In the course of discussions during the last meeting of the HR & Equalities Committee Members identified that it would assist them if they were provided with a report which identified each of the various role markings used within the Service.

### **2. ISSUES**

2.1 South Wales Fire & Rescue Service moved to the current configuration of markings across the seven roles when uniform officers were assimilated under the “rank to role” programme.

2.2 Appendix 1, attached identifies both the uniform markings and helmet markings.

### **3. RECOMMENDATION**

3.1 That Members note the contents of this report.

**PHILIP HAYNES**  
**ACO PEOPLE SERVICES**

**Background Papers:**

None







**Contact Officer:**

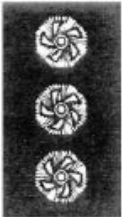



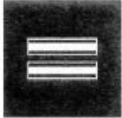

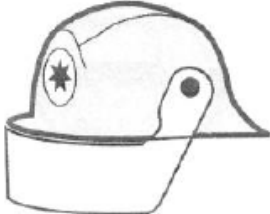
Philip Haynes, ACO People Services

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## APPENDIX 1

Role	Collar markings for Fire Tunic		Helmet markings	
Brigade Manager	<p>Large impeller within laurel wreath with two small impellers above. Arranged one above the other.</p> <p>Horizontal silver bar, 3 mm wide, below large impeller within laurel wreath with one small impeller above.</p> <p>Large impeller within laurel wreath with one small impeller above.</p>		One black band 38 mm wide on a white helmet with a black comb	
Area Manager	Horizontal silver bar, 3 mm wide, below large impeller within laurel wreath		Two black bands each 19 mm wide, with 12.5 mm separation on a white helmet with a black comb	
Group Manager	Large impeller within laurel wreath		One black band 19 mm wide surmounted by one black band 12.5 mm wide, with 12.5 mm separation on a white helmet with a black comb	

Role	Collar markings for Fire Tunic		Helmet markings	
Station Manager	Three large impellers arranged one above the other		One black band 19 mm wide, on a white helmet with a black comb	
Watch Manager	Two large impellers arranged one above the other		One black band 12.5 mm wide, on a white helmet with black comb	
Crew Manager	Two horizontal silver bars 12.5 mm wide		Two black bands each 12.5 mm wide, with 12.5 mm wide separation on a yellow helmet	
Firefighter	No markings		Plain yellow helmet	

**FORWARD WORK PROGRAMME FOR  
HR & EQUALITIES COMMITTEE 2011/12**

<b>Report Name</b>	<b>Purpose of Piece of Work</b>	<b>Links to Strategic Themes &amp; Corporate Objectives</b>	<b>Lead Director/ Contact Officer</b>	<b>Expected Date of Decision/ Submission/ Review</b>	<b>Progress</b>
Welsh Language Scheme Update	To advise Members of progress against scheme requirements	Attract and Develop our People  Organisational Improvement	ACO PS  <b>Contact Officer:</b> Cath Baldwin	October 2011	
Single Equality Scheme Update	To advise Members of progress against scheme requirements	Attract and Develop our People  Organisational Improvement	ACO PS  <b>Contact Officer:</b> Vicky Gregory	October 2011	

Report Name	Purpose of Piece of Work	Links to Strategic Themes & Corporate Objectives	Lead Director/ Contact Officer	Expected Date of Decision/ Submission/ Review	Progress
Review People Strategy	To supply Members on the activities that have taken place in support of the FRS	Attract and Develop our People  Organisational Improvement	ACO PS  <b>Contact Officer:</b> Phil Haynes	January 2012  April 2012	
Occupational Health Unit Activity Report April 2011 to September 2011	To provide Members with an understanding of the work of the unit and details on the mid year position	Attract and Develop our People  Organisational Improvement	ACO PS  <b>Contact Officer:</b> Dr W. Davies	October 2011	
Update on Occupation Health Unit Activity & Activity Report for Year 2011/12	To provide Members with an overview of the work of the OHU and collaboration activities that have taken place throughout the year	Attract and Develop our People  Organisational Improvement	ACO PS  <b>Contact Officer:</b> Dr W. Davies	April 2012	

Report Name	Purpose of Piece of Work	Links to Strategic Themes & Corporate Objectives	Lead Director/ Contact Officer	Expected Date of Decision/ Submission/ Review	Progress
Sickness Absence Reports: <ul style="list-style-type: none"> <li>□ Report for Year 2010/11</li> <li>□ April – September 2011</li> </ul>	To inform Members of sickness data for the Service	Attract and Develop our People  Organisational Improvement	ACO PS  <b>Contact Officer:</b> Jan Nancarrow	October 2011	
Sickness Absence Report for Year 2011/12	To inform Members of sickness data for the Service	Attract and Develop our People  Organisational Improvement	ACO PS  <b>Contact Officer:</b> Jan Nancarrow	April 2012	
Report on Members Charter and update on progress	To advise Members about the Charter and the Organisation's progression	Attract and Develop our People  Organisational Improvement	ACO CS  <b>Contact Officer:</b> Alan Peploe	January 2012  April 2012	

Report Name	Purpose of Piece of Work	Links to Strategic Themes & Corporate Objectives	Lead Director/ Contact Officer	Expected Date of Decision/ Submission/ Review	Progress
Policy Review: Learning and Development Strategy	To update Members on the policy review and to seek approval of the revised strategy	Attract and Develop our People  Organisational Improvement	ACO PS  <b>Contact Officer:</b> Alan Peploe	October 2011	Superseded by the induction of the “All Wales Strategy”
Review of Training Programme	To update Members on the training programme	Attract and Develop our People  Organisational Improvement	ACO PS  <b>Contact Officer:</b> Gareth Davies	January 2012	
Review of PFI Contract	To update Members on the outcome of the review of the PFI contract	Attract and Develop our People  Organisational Improvement	ACO PS  <b>Contact Officer:</b> Gareth Davies	October 2011	

<b>Report Name</b>	<b>Purpose of Piece of Work</b>	<b>Links to Strategic Themes &amp; Corporate Objectives</b>	<b>Lead Director/ Contact Officer</b>	<b>Expected Date of Decision/ Submission/ Review</b>	<b>Progress</b>
The establishment of a Joint Consultative Committee	To inform the Members of the issues relating to the establishment of a JCC	Organisational Improvement	ACO PS  <b>Contact Officer:</b> Mark Malson	October 2011	
Discipline and Grievance Report April 2011 to September 2011	To inform Members of Discipline and Grievance data within the Service	Attract and Develop our People  Organisational Improvement	ACO PS  <b>Contact Officer:</b> Mark Malson	October 2011	
Discipline and Grievance Report for Year end 2011/12	To inform Members of Discipline and Grievance data within the Service	Organisational Improvement	ACO PS  <b>Contact Officer:</b> Mark Malson	April 2012	

Report Name	Purpose of Piece of Work	Links to Strategic Themes & Corporate Objectives	Lead Director/ Contact Officer	Expected Date of Decision/ Submission/ Review	Progress
Establishment and Workforce Planning Overview	To provide Members with data relating to the Service's establishment	Attract and Develop our People  Organisational Improvement	ACO PS  <b>Contact Officer:</b> Mark Malson	January 2012	
Review of Public Sector Pension Schemes changes	To update Members on the progress against the IPCS recommendations	Attract and Develop our People  Organisational Improvement	ACO PS  <b>Contact Officer:</b> Phil Haynes	January 2012	

Report Name	Purpose of Piece of Work	Links to Strategic Themes & Corporate Objectives	Lead Director/ Contact Officer	Expected Date of Decision/ Submission/ Review	Progress
An information brief on the National Vocational Qualification Level 3 – Operations in the Community	To inform Members on the National Vocational Qualification Level 3 – Operations in the Community	Attract and Develop our People, plus Organisational Improvement	ACO PS  <b>Contact Officer:</b> Gareth Davies	January 2012	
An explanation of Officers role marking epaulettes	To provide Members with an explanation of Officers role marking epaulettes	Attract and Develop our People	ACO PS  <b>Contact Officer:</b> Mark Malson	October 2011	

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