



<p><b>Summary of Consultation Responses from November 2009 SEFRCC Consultation Forum</b></p> <p><b>Matt Goodwin, Chief Executive</b> <b>Shani Moyle, HR Consultant</b></p>	<p><b>Date of Forum:</b></p> <p>18 February 2010</p>
	<p><b>Release Date:</b></p> <p>19 February 2010</p>

**1. Introduction**

- 1.1 This paper summarises the responses received in regards to consultation material issued on 25 November 2009. Key issues raised are highlighted, along with an initial SEFRCC response. All material, where possible, has been anonymised.
- 1.2 This is for information and for general communication purposes. Formal written responses will be issued to all submitting parties, in accordance the consultation policy.

**2. Discussion**

- 2.1 At the SEFRCC Consultation forum meeting held on 25 November 2009, material was issued in regards to SEFRCC proposals on:

- Role Matching
- 'Staffing for Go Live'.

The closing date for receipt of responses on the above documents was 18 January 2010 (though responses after that date are acceptable).

- 2.2 As required under the consultation policy, all responses will be formally responded to in writing. However, for broader communication purposes, it was felt it would be helpful to summarise headline responses, under each consultation item, and to indicate the initial SEFRCC position.
- 2.3 It should be noted that for the purposes of this summary, questions or comments not relevant to the items in hand have not been included. Responses back to submitting parties will, however, include commentary on these items.

**3. Consultation Responses**

- 3.1 Please see Appendix A. Material is arranged by consultation item, in order of release.

- 3.2 Appendix B provides a high level summary in regards to agreement to each of the issued items.
- 3.3 In reviewing this material, it should be noted that very few responses were received. Considering the criticality of the matters in hand, this will need to be investigated.

**4. Aims / Outcome**

- 4.1 The aim of this paper was to summarise consultation responses from 25 November Forum Meetings, and to provide an initial SEFRCC response. This is for information and discussion during consultation proceedings.

There is no embargo on release of this paper into local communications channels and consultation processes.

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**Appendix A Consultation Responses and Initial SEFRCC Position Statements**

**Material Released 25 November 2009**

**A1 SEFRCC Role Matching Policy and Process**

<b>Issue</b>	<b>Response</b>
<p>A disagreement noted, unless the scope is expanded to include that personnel in temporary roles should have the opportunity to choose which role (substantive or temporary) they should be matched against provided the individual is deemed competent in role for pay purposes.</p> <p>This is because some personnel have not been substantively promoted but have undertaken temporary roles for a considerable period due to the uncertainties and delays associated with the RCC project. It is likely that had the RCC project not occurred, these personnel would have achieved substantive promotion.</p>	<p>In the first instance, it is worth noting that the role matching policy focuses on matching Fire and Rescue Service roles to Regional Control Centre roles. The aim is to use the processes outlined to understand how affected roles in all South East Fire and Rescue Services match across to the new world. To that extent, it is not a pressing requirement to consider who actually occupies the matched roles; this will become crucial at a later date, when the matter of role slotting and selection is considered.</p> <p>That said, it is important to commence thinking in this area. Initially, the idea was that role matching and then slotting would be done on an employee's substantive post. This is because under TUPE, an employee's contractual rights are protected; including the role they are employed to do. However, if an employee had been temporarily promoted or seconded for 4 years or more, then that employee could legally argue that the temporary promotion / secondment represents their substantive post, not what they are contractually employed to do. This would count for TUPE purposes.</p> <p>There is latitude to consider a period at less than 4 years, which SEFRCC will certainly do, in the light of the issues raised. What we cannot do is promote someone permanently in the RCC based on this, when they may have only been acting up for a short period of time and have not passed an ADC nor been deemed competent in role.</p> <p>Clearly more work needs to be done here, to address this issue. Feedback will be used to amend the policy, in so far as this is necessary to support role matching. However, when the processes for slotting people into RCC roles and selecting people are finalised, this matter will need to have been resolved in full.</p>

Issue	Response
<p><b>Introduction</b></p> <p>1.4 The Watch Managers in our FRS Control are at Watch Manager B level. Whilst it is acknowledged that not all roles are shown and it is illustrative it would still be helpful if this level could be referred to in the table.</p>	<p>Noted. This table is an extract from the national guidance document (GLGs) and its' intention is to for information only, and SEFRCC has no further involvement with it. This table serves no other purpose, as the South East region are carrying out their own role matching process – which is full and robust.</p>
<p><b>The Process</b></p> <p>3.1, The third paragraph refers to an employee's refusal to sign the Job Matching Questionnaire. Clarification is needed about what FRSs should do if the entire group of employees (e.g. all Control Room Operators) refuses to sign the Questionnaire. Would the responsible Senior Manager still submit the form but state clearly that the employees have not agreed?</p> <p>3.4, B, If an employee transfers to a lower role, is there any time limit on the protection of terms and conditions?</p>	<p>This is a data gathering exercise, wherein SEFRCC needs the most accurate picture of the duties of the role concerned. If an accurate picture is obtained, it is difficult to see under what circumstances post holders would refuse to sign the material. However, if they do so, a submission will be accepted from the FRS, with details as to why it has not been signed. This can then be factored into the matching process. Ultimately, the FRS will need to confirm what an employees substantive post is, and this will be matched to a SEFRCC role, regardless whether or not it is signed by the employee</p> <p>Please first note this is not a role matching issue, and will therefore not be addressed in the Role Matching policy. It will be covered under the slotting and selection process. However, current thinking is that, if an employee is in line to be TUPE transferred into a post, but there are more people transferring into that post than posts available, then those employees would have to go through a selection process. If the employee was unsuccessful in obtaining a post, and wanted to work at the RCC, but the Company only had more junior posts available, that employee could succeed in securing one of these posts. However, this may not be considered under TUPE as a suitable alternative post and the employee would get their current terms and conditions of employment protected – but in line with their current FRS redeployment/pay protection policy. However, until the role matching process is completed it is difficult to predict how FRS posts will align to SEFRCC posts, and we are currently watching what is going on in the other first wave regions. Hence the delay in issuing the role slotting / selection process.</p>

<b>Issue</b>	<b>Response</b>
<p><b>The Process (cont.)</b></p> <p>3.4, C, If an employee transfers to a higher level role, would they not be entitled to an increase in salary based on the salary range for the new position (if this was higher) recognising that they would then be on the company's terms and conditions? Perhaps clarification is needed?</p> <p>3.4, D, It is stated that if a FRS role is for example a 30% match to a RCC post, the employee would have their terms and conditions protected. The question here is – when such a small percentage of the employee's role is within scope - would such a transfer happen in the first place? The example might be better at say 50% and then this does not cause confusion with para E)</p> <p>3.4, E, We note that in this para the words 'significantly different' are used whereas in the following para the words 'substantially different'. If this was deliberate this is noted however if not could the same phrase be used?</p>	<p>Again, this is a matter for slotting and selection. Role matching covers the matching of FRS roles to RCC roles, not the process for placing people into actual positions. However, this is a matter that will need consideration before a slotting / selection policy is finalised.</p> <p>In role matching terms, the two queries about do raise an issue in regards to what happens if FRS roles are matched to RCC roles which pay more than the protected pay scales. The implications of this have yet to be considered but the matter will be looked into.</p> <p>Noted.</p> <p>Noted; and will amend accordingly, so "significantly" is used consistently throughout.</p>

<b>Issue</b>	<b>Response</b>
<p>3.7, Some clarification is needed about the appeals process. This currently refers to what an individual should do if they wish to appeal, however as employees will be grouped together according to the role they currently undertake, there may be some <i>group</i> appeals. We would need to know what process to follow if this happened.</p>	<p>A group appeal will be handled as one entity, in the same manner as an individual appeal. One outcome will be determined and notified to all members of that group.</p>
<p>Questionnaire: Question 12 relates to Physical effort and/or strain, more than is normally experienced in a routine office environment. We would like to consider adding questions about the Mental (concentration, alertness, attention) and Emotional (contact with people who are distressed and/or in danger) demands of the role. These are factors included in the NJC/Green Book job evaluation scheme and seem more appropriate to the role being evaluated.</p>	<p>Noted. This questionnaire has been based on the Hay Job Evaluation Scheme, which CLG used to Hay evaluated all the roles in the RCCs. As we are matching two templates which are identical, but containing different information, it is vital that the templates remain unchanged. This template is a standard Hay Job evaluation form.</p> <p>Therefore, we cannot change this template because when we match the FRS roles to the SEFRCC roles, we will not be matching like for like.</p>
<p>It is understood that at the last consultation meeting some debate concerning those persons in "acting" or temporary roles and reversion to their establishment role for role matching purposes. For anyone who might take the early secondment positions as testers and trainers, this area is of importance as they could in theory become very much the system experts in an acting up environment and then on transfer find themselves as control operators.</p>	<p>We want to be sympathetic to those who have been acting up for a considerable amount of time. However, TUPE does not operate to confirm the temporary employee in the enhanced position (see item 2.2 on page 3). The issue of temporary promotion etc is currently being discussed with FRS HR Managers.</p> <p>Terms spent acting up as a trainer or tester will have no impact on role matching, which will have been conducted well in advance. It will, however, count in regards to experience of note when applying for promotion at a future date. During their time as a trainer or tester, anyone acting up will be remunerated accordingly.</p>

Issue	Response
<p>One view on role matching is that establishment positions must be used for the role matching process. However, it is acknowledged that this could have potential detriment to some people who may be acting up for longer periods of time e.g. 6 months plus. This may be particularly the case as some people may have been seconded onto project team roles. In these circumstances individual FRSs should be lobbied by the company to make a commitment to appoint vacant establishment positions if they are going to be vacant in excess of 6 months or acting positions if they will cease due to TUPE transfer on cut over.</p>	<p>It should be noted that TUPE does certainly require consideration of the substantive post. However, please see the earlier response on this matter.</p> <p>SEFRCC would be pleased to lobby FRSs to resolve their position in regards to personnel in temporary positions. However, this remains strictly an issue for FRS management.</p>
<p>Some reference should be made as to what will happen to an individual who is in one establishment role at the time of the reasonableness interviews who is subsequently promoted into a higher establishment role prior to cut over. Equally some reference should be made to anyone who might revert or with management agreement move to a lower role map. Rather than try to document all issues in this area it might be better to add some form of general clause that acknowledges that changes in individual circumstances may occur between role matching and cut over and that each situation would be addressed individually, supportively, in conjunction with the person and their representative body and in good faith.</p>	<p>Noted. This will be accounted for in post consultation amendments to the policy and process. TUPE will be applied to the substantive post occupied by the person at the time the business transfers.</p>

**A2 Staffing for Go Live**

<b>Issue</b>	<b>Response</b>
<p>It seems to be quite soon that the staffing and backfilling needs to be completed for some FRSs. It will be hard for people (if any) to make a decision about whether they want to move to the RCC as there is no clear cut decisions about what they would be going to (regarding pay, shifts etc).</p>	<p>This position is very much understood and appreciated. The 'Staffing for Go Live' plan includes phasing for key stages of the process, which accounts for what information will be available to affected staff at any given time. For example, reasonableness interviews will not commence until key employment information and details on role matching are available. People will not be asked to make decisions until they can do so on an informed basis.</p>
<p>Very concerned as to how personnel who do not reach the 80% level will be treated, in the document they could be offered a re-deployment opportunity within the RCC- this may not be acceptable.</p>	<p>Please first note this is not a role matching issue, and will therefore not be addressed in the Role Matching policy. It will be covered under the slotting and selection process. However, current thinking is that, if an employee is in line to be TUPE transferred into a post, but there are more people transferring into that post than posts available, then those employees would have to go through a selection process. If the employee was unsuccessful in obtaining a post, and wanted to work at the RCC, but the Company only had junior posts available, that employee could succeed in securing one of these posts. However, this may not be considered under TUPE as a suitable alternative post and the employee would get their current terms and conditions of employment protected – but in line with their current FRS redeployment/pay protection policy. However, until the role matching process is completed it is difficult to predict how FRS posts will align to SEFRCC posts, and we are currently watching what is going on in the other first wave regions. Hence the delay in issuing the role slotting / selection process.</p> <p>TUPE, the employee could be redeployed and pay protected in accordance with their.</p>

**Appendix B– Position in Regards to Agreement on Issued Materials**

<b>Item</b>	<b>Definitive Consultation Reponses Received</b>	<b>Agreement</b>	<b>Agreement, subject to stated amendment</b>	<b>No / Counter Proposal</b>
<b>Consultation Forum</b>	3 from FRSs 3 from Rep Bodies / staff	1 (FRS)	5 (3 FRS, 2 Rep Bodies / staff)	0
<b>General Measures</b>	3 from FRSs 1 from Rep Bodies / staff	3 (2 FRS, 1 staff)	1 (1 FRS)	0
<b>Shift Pattern Structure</b>	2 from FRSs 2 from Rep Bodies / staff	2 (2 FRS)	1 (staff)	1 (Rep Bodies)
<b>Staffing Numbers</b>	2 from FRSs 3 from Rep Bodies / staff	1 (FRS)		4 (1 FRS, 3 Rep Bodies / staff)
<b>Terms and Conditions</b>	3 from FRSs 2 from Rep Bodies / staff	2 (FRSs)	1 (FRS)	1 (Rep Bodies) Evens (staff)
<b>Removal and Resettlement Policy</b>	3 from FRSs 5 from Rep Bodies / staff	2 (FRSs)	1 (staff)	5 (4 Rep Bodies / staff, 1 FRS)
<b>Control Room Job Descriptions</b>	2 from FRSs 4 from Rep Bodies / staff	2 (FRSs)	2 (Rep Bodies / staff)	1 (Rep Bodies) Evens (staff)
<b>Smoking Policy</b>	3 from FRSs 4 from Rep Bodies / staff	2 (FRSs)	4 (1 FRS, 3 Rep Bodies / staff)	1 (Rep Bodies)
<b>Role Matching Policy</b>	5 from FRS 2 from Rep Body / staff	1 (FRS)	1 (FRS, change required noted)	1 No (FRS) 2 NIL Return (FRS) 2 NIL Return Rep Body / staff
<b>Staffing for Go Live</b>	3 from FRS	1 (FRS)		2 NIL Return (FRS)

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