

**NATIONAL JOINT COUNCIL FOR
BRIGADE MANAGERS OF
FIRE AND RESCUE SERVICES**

**CONSTITUTION AND SCHEME
OF CONDITIONS OF SERVICE**

**FIFTH EDITION
2006**

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CONTENTS

	Pages/Appendices/ Paragraphs
Preface	Page 3
Constitution	Page 4
• Membership	Paras 4-6
• Changes in composition of the Staff Side	Paras 7-13
• Conduct of Business	Paras 14-15
• Chair and Vice-Chair	Para 16
• Officers	Para 17
• Meetings	Para 18
• Voting	Para 19
• Quorum	Para 20
• Notice of Meeting	Para 21
• Minutes	Para 22
• Settlement of Differences	Paras 23-24
• Amendment to constitution	Para 25
Scheme of Conditions of Service	Page 7
• Status	Paras 1-3
• Fairness and Dignity at Work	Paras 4-6
• Additional Employment	Para 7
• Advice to political groups	Para 8
• Salaries	Para 9-12
• Part-time employees	Para 13
• Sick pay	Paras 14-19
• Leave and Special Leave	Paras 20-21
• Employment with other organisations	Paras 22-23
• Indemnification of employees to undertake authorised tasks	Para 24
• Pecuniary interest	Para 25
• Application to other terms and conditions	Para 26
• Procedures	Paras 27-29
• Workplace performance and assessment	Paras 30-32
• Interpretation	Para 33
Implementation of a Local Salary Structure	Appendix A
• Introduction	Para 1
• Local salary structure	Paras 2-4
• Workforce planning	Paras 5-9
Guidance of the Appraisal of Brigade Managers	Appendix B
• Introduction	Paras 1-3
• Responsibility for appraisal	Para 4
• The purpose of the appraisal	Paras 5-9
• Appraisal and the Service's Forward Plan	Para 10
• The Appraisal Cycle	Para 11
• The Appraisal Interview and afterwards	Para 12
• External assistance	Para 13
• Other matters	Para 14-15
Application of Grey Book conditions to Gold Book Employees	Appendix C
Principles for Dealing with Grievance, Discipline and Capability Matters	Appendix D

PREFACE TO THE FIFTH EDITION 2006

The primary role of the National Joint Council for Brigade Managers of Fire and Rescue Services (the NJC) is to reach agreement on a national framework of pay and conditions for Brigade Managers for local application throughout the Fire and Rescue Service in the UK.

This fifth edition of the Scheme of national terms and conditions of service for Brigade Managers of Fire and Rescue Services replaces in its entirety the provisions of all former conditions of service agreed by the NJC, the provisions of which no longer apply and are entirely superseded by this Agreement. This Agreement may be supplemented or superseded by local agreements and provisions, and does not of itself alter or amend any existing individual or collective agreement agreed with a local Fire and Rescue Authority.

In developing this Scheme the NJC reinforces its strong commitment to cooperation, to joint consultation and negotiation, and encourages Brigade Managers covered by this agreement to belong to the recognised trade union.

The primary aim of the NJC is to support and encourage the pursuit of excellence in the delivery of a fire and rescue service by a competent, safe, motivated and diverse workforce. Fundamental to the achievement of this aim is the leadership of local fire and rescue authorities and their Brigade Managers through the promotion and demonstration of the UK fire service core values as described in the National Framework document.

The NJC recognises the essential role of Brigade Managers in developing the Fire and Rescue Service of the future and the delivery of its responsibilities. The NJC believes that this is best achieved in partnership between Fire and Rescue Authorities and their Brigade Managers through the provision of an environment that encourages each Brigade Manager to maximise their potential and contribution.

* Brigade Managers describes those employees previously known as principal fire officers

CONSTITUTION

Title

1. The Council shall be known as the National Joint Council for Brigade Managers of Local Authority Fire and Rescue Services (hereinafter referred to as "the Council").

Scope

2. Brigade Managers of fire and rescue services employed under the Council's Scheme of Conditions of Service shall be within the scope of the Council. Brigade Manager is defined as working to the Brigade Manager role map as identified within the Integrated Personal Development System (IPDS) as amended from time to time.

Object

3. The object of the Council shall be to provide a procedural framework to secure the largest measure of joint co-operation and agreement on conditions of service as well as the settlement of differences between fire and rescue services and employees within its scope. The Council may for these purposes take any action that it considers appropriate.

Membership

4. (i) The Council shall consist of members appointed as follows:

Employers' representatives
National Organisation of Employers of Local Authorities' Fire Brigades 14

Staff representatives 14
Association of Principal Fire Officers

In the event of any member of the Council being unable to attend any meeting of the Council, the respective organisation shall be entitled to appoint another representative to attend in his or her place.

- (ii) The Council shall appoint a sub-group, to be known as the 'negotiating group'. The sub-group shall consist of 12 lead members:

Employers' representatives
National Organisation of Employers of Local Authorities' Fire Brigades 6

Staff representatives
Association of Principal Fire Officers 6

In the event of a member being unable to attend a meeting, his/her representative body shall be entitled to appoint a substitute drawn from its membership of the full Council.

5. The membership of the Council shall be as notified from time to time by the organisations referred to in paragraph 4.
6. If any of the representative bodies referred to in sub-paragraph 4(i) or 4(ii) above fail to appoint the number of representatives provided for by this constitution such failure to appoint shall not invalidate any decisions reached.

Changes in composition of the Staff Side

7. Any organisation represented on the NJC or any independent certificated trade union that is not represented, may initiate a review of the composition of the Employees' Side.
8. In order to gain recognition and a seat on the NJC a non-recognised trade union must demonstrate, through an independent audit commissioned by the NJC, that it has in its' membership at least one fourteenth of the number of employees covered by the NJC.
9. In order to gain an additional seat on the NJC, a recognised trade union must demonstrate, through an independent audit commissioned by the NJC, that it has in its membership at least another one fourteenth of the number of employees covered by the NJC, in respect of each additional seat.
10. The total Employees' Side membership at any time shall not exceed 14.
11. In order to retain any seat on the NJC a recognised trade union must demonstrate, through an independent audit commissioned by the NJC, that it has in its membership at least one fourteenth of the number of employees covered by the NJC.
12. The organisation initiating the review process shall meet all the relevant costs, including those of the independent audit.
13. No trade union can be the subject of a review within three years of it last being the subject of review.

Conduct of business

Committees

14. The Council may appoint from its own members such committees as it considers necessary and may delegate special powers to any such committee, the reports of which shall be submitted to the Council for approval which may be given with or without modification

Advisers

15. Either side of the Council or any committee may invite the attendance of any person whose special knowledge would be of assistance. Such persons would not have the power to vote.

Chair and Vice-Chair

16. The Council shall appoint annually a Chair and Vice-Chair from among its members. The appointees shall alternate between the two sides. The Chair or, in his or her absence, the Vice-Chair shall preside at all meetings of the Council and shall have a vote but not a casting vote. In the absence of both the Chair and Vice-Chair at any meeting, a Chair for that meeting shall be appointed from those members present.

Officers

17. Each side of the Council shall appoint a Secretary or Secretaries, who shall act as Joint Secretaries. In the case of the Staff Side a Secretary shall be drawn from each of the recognised trade unions. In the event that a Joint Secretary is a member, he or she shall have a vote. The Council may appoint such other staff, if any, as it thinks fit.

Meetings

18. Ordinary meetings of the Council shall be held as often as may be necessary, and the Chair shall call a special meeting if requested by not less than one-third of the total number of members on either side of the Council. The requisition and notice summoning any special meeting shall state the nature of the business proposed to be transacted and no other matters shall be discussed. A special meeting shall take place within fourteen days after receipt of the requisition by the Chair.

Voting

19. No resolution shall be regarded as carried unless it is approved by a majority of the members present on each side of the Council, sub-group, or committee except where the resolution concerns an amendment to the constitution in which case the requirements of paragraph 25 below shall apply.

Quorum

20. The quorum of the Council (sub-group and any other committee established under the terms of 4(ii) and 14 above) shall be a majority of the representation on each side. In the absence of a quorum the meeting will adjourn and the remaining business shall be the first business to be discussed either at the next ordinary meeting or, if the meeting was a special meeting, at a further special meeting to be held within fourteen days.

Notices of meetings

21. Notices of meetings of the Council or any committee shall provide full particulars of the business to be transacted and shall be sent to the respective members at least seven days before the date of the meeting.

Minutes

22. Following any meeting of the Council or of any committee the Joint Secretaries shall send a copy of the minutes of the proceedings to each member and these shall be ratified, subject to any amendment at the next meeting of that body.

Settlement of differences

23. If the Council fails to reach agreement on any matter for which it has responsibility, either side may refer the matter to ACAS for conciliation. In such cases, both Sides of the Council will participate in the process of conciliation and act in good faith. Where conciliation fails to produce a settlement, either Side may request arbitration through the services of ACAS. Following such a request both Sides shall fully participate. In such circumstances, it follows that both sides have voluntarily agreed to take part in the arbitration process whenever it is invoked and have agreed in advance to be bound by the decision of the arbitrator.
24. In the event that either side has any doubt about whether or not the failure to agree relates to arbitrable issues, and this is not resolved through negotiation or conciliation, then the question of whether or not such issues are arbitrable, taking full account of all agreements between the Sides, will be put to an arbitrator provided by ACAS. The decision of the arbitrator on such an issue will be binding on both sides.

Amendment to constitution

25. This constitution may be amended only with the assent of the organisations at paragraph 4 above.

SCHEME OF CONDITIONS OF SERVICE

Status

1. All officers covered by this agreement shall be working to the Brigade Manager role map as defined within the Integrated Personal Development System (IPDS) and reviewed by the NJC periodically, as amended from time to time. Fire and rescue authorities shall determine their organisational structure at senior levels within the scope of the brigade manager role map, paying due regard for deputising roles and will also determine job titles and job descriptions.
2. Officers who are in post on 7 December 2006 as a Chief Fire Officer, Deputy Chief Fire Officer or Assistant Chief Fire Officer will be deemed to have met the requirements of the national assessment process for the purposes of assimilation to or eligibility to apply for posts within the scope of the Brigade Manager rolemap.
3. Selection arrangements are a matter for each fire and rescue authority, but should be in line with the IPDS framework.

Fairness and Dignity at Work

4. The NJC recognises and values the key leadership role that Brigade Managers will play in promoting, explaining, implementing and monitoring the Service's Fairness and Dignity at Work policy within their own authorities.
5. The NJC strongly encourages fire and rescue authorities to:
 - a. Develop equal opportunities and work/life balance in employment;
 - b. Ensure that equality is a core principle that underpins service delivery, training opportunities and employee relations;
 - c. Remove all discrimination; and
 - d. Take a positive approach to the development of a diverse workforce.
6. In support of these principles the NJC affirms that:
 - a. Employees should be afforded equal opportunities in employment irrespective of gender, race, national or ethnic origin, religion or belief, age, sexuality, marital status or disability (subject to any justifiable occupational requirements);
 - b. Fire and rescue authorities should ensure that discriminatory practices are identified and removed and non-discriminatory practices introduced in all areas of employment including recruitment, training, development and promotion; and
 - c. Lawful positive action initiatives should be taken to achieve and maintain a more representative workforce.

Additional employment

7. A Brigade Manager shall not take up any other additional appointment, trade or business, paid or unpaid, for profit or gain without the express consent of the authority.

Advice to political groups

8. A Brigade Manager may but shall not be required to advise any political group of the fire and rescue authority, either as to the work of the group or the work of the authority, and attend meetings of any political group. Where a Brigade Manager advises a political group on a particular matter, he or she should be available to advise other political groups on the same matter.

Salaries

9. The NJC will publish annually recommended minimum levels of salary applicable to chief fire officers/chief executives employed by local authority fire and rescue authorities.
10. There is a two-track approach for determining levels of pay for Brigade Manager roles. At national level, the NJC shall review annually the level of pay increase applicable to all those covered by this agreement. In doing so, the NJC will consider affordability, other relevant pay deals and the rate of inflation at the appropriate date. Any increase agreed by the NJC will be communicated to fire authorities by circular.
11. All other decisions about the level of pay and remuneration to be awarded to individual Brigade Manager roles will be taken by the local Fire and Rescue Authority, who will annually review these salary levels.
12. Advice on implementation of a local salary structure is contained in guidance at Appendix A.

Part-time employees

13. The conditions of service of part-time employees will be the same as those of full-time employees (pro-rata where appropriate) unless otherwise stated.

Sick pay

14. A Brigade Manager on medically certifiable sick leave shall be entitled to full pay for the first six months in any one-year period. For the following six months the fire and rescue authority shall have the discretion to reduce pay to whatever level it considers appropriate subject to paying a minimum of half pay.
15. A Brigade Manager on medically certifiable sick leave as a result of an illness or injury arising out of authorised duty shall be entitled to full pay for one year. For the following six months the fire and rescue authority shall have the discretion to reduce pay to whatever level it considers appropriate subject to paying a minimum of half pay.
16. The period during which sick pay shall be paid and the rate of sick pay in respect of any period of absence shall be calculated by deducting from the manager's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.

17. Fire and Rescue Authorities have the discretion to extend periods of sick pay in exceptional circumstances.
18. Absence in respect of normal sickness shall be recorded separately from absence in respect of illness or injury arising out of authorised duty. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating any entitlement under paragraphs 14 and 15.
19. In all other respects the sick pay arrangements for a Brigade Manager shall be no less favourable than those applying to an Area Manager

Leave

20. A Brigade Manager shall be entitled to annual and public holiday leave on a scale to be determined by the fire and rescue authority but in any event no less favourable than that granted to an Area Manager.

Special leave

21. Special leave, with or without pay, may be granted in special circumstances at the discretion of the fire and rescue authority.

Employment with other organisations

22. The NJC is mindful of the need for the Fire and Rescue Service to demonstrate probity in the way it functions and its' relationships with external organisations.
23. After leaving the employment of the relevant fire and rescue authority, Brigade Managers are encouraged to respect and uphold these high standards of probity if they are subsequently employed by an organisation connected to the fire and rescue authority. This will include not divulging any information to any third party that is confidential to the fire and rescue authority.

Indemnification of employees to undertake authorised tasks

24. The Local Authorities (Indemnities for Members and Officers) Order 2004, gives a specific power to authorities to grant indemnities to cover the potential liability of members and employees. Fire Authorities should ensure that appropriate indemnities are in place and that the indemnity continues to apply if Brigade Managers are required to undertake strategic command roles in other authority areas.

Pecuniary interest

25. If it comes to the knowledge of a Brigade Manager that a contract in which he or she has any pecuniary interest, whether direct or indirect (not being a contract to which he himself or she herself is a party), has been, or is proposed to be, entered into by the fire and rescue authority, he or she shall, as soon as practicable, give notice in writing to the fire authority of the fact that he or she is interested therein (this is also covered by Section 117 of the Local Government Act 1972).

Application of other terms and conditions

26. In relation to matters not covered herein, a Brigade Manager shall be entitled to terms and conditions of service no less favourable than those relevant terms and conditions applying to an Area Manager under the Scheme of Conditions of Service of the National Joint Council for Local Authority Fire and Rescue Services as set out in Appendix C, Where this latter scheme of conditions is altered then the previous existing conditions will be retained until changes are agreed by the NJC for Brigade Managers of Fire and Rescue Services. All Brigade Managers will undertake the hours necessary to undertake their duties within the requirements of the Working Time Regulations, as they apply to Managing Executives, in so doing Fire and Rescue Services will have regard to the on-call commitments of its Brigade Managers

Procedures

27. All fire and rescue authorities shall establish procedures governing discipline, performance, and attendance, which cover Brigade Managers and provide arrangements no less favourable than those for Area Managers. Where the Chief Fire Officer exercises the role of Head of Paid Service then consideration should be given to applying the procedure governing Local Authority Chief Executives. A copy of the procedure is available from the Joint Secretaries.
28. Where a Brigade Manager has a grievance arising out of their employment then each fire and rescue authority should ensure that it has arrangements in place to enable that grievance to be heard.
29. Principles relating to grievance, disciplinary and capability matters, which should be taken into account within local procedures, are contained in Appendix D.

Workplace performance and assessment

30. The performance of Brigade managers shall be formally assessed through a performance appraisal process. This involves the setting of both general and specific objectives for the year ahead and the review of performance in achieving previously set objectives. The focus of the process should be on reviewing performance and setting objectives, clarifying what the individual will be expected to achieve, and on identifying any continuing personal development needs to maintain a high level of performance.
31. Brigade Managers are also required to provide ongoing evidence of their competency against the role map. Where possible, the same examples can be used to provide evidence of competency and performance against agreed objectives.
32. Joint advice on application of performance appraisal systems is contained in Appendix B.

Interpretation

33. Any questions concerning the interpretation of this scheme shall be referred to the National Joint Council for determination.

IMPLEMENTATION OF A LOCAL SALARY STRUCTURE GUIDANCE

INTRODUCTION

1. Both the employers and Brigade Managers recognise the importance of applying the appropriate skills and developing the competencies necessary to support and embed the cultural change inherent within these new terms and conditions.

LOCAL SALARY STRUCTURES

2. When determining the appropriate level of salaries for all Brigade managers, the fire and rescue authority should refer to the relevant minimum salary of the Chief Fire Officer and the most relevant benchmark data.
3. Normally the fire and rescue authority will wish to begin by determining appropriate salary for their most senior manager.
4. When deciding how these posts should be remunerated the following factors are to be considered:
 - a. The Chief Fire Officer's salary and that of any senior staff not covered by the Scheme of Conditions of Service (Gold Book);
 - b. The relationship of current salary to the appropriate illustrative national benchmark;
 - c. Any special market considerations;
 - d. Any substantial local factors not common to fire and rescue authorities of similar type and size e.g. London weighting; complex local, regional or national responsibilities which bring added value
 - e. Comparative information to be supplied on request by the Joint Secretaries on salaries in other similar authorities;
 - f. Top management structures and size of management team compared to those of other fire and rescue authorities of similar type and size; and
 - g. The relative job size of each post, as objectively assessed through an appropriate job evaluation process or otherwise
 - h. Incident command responsibility and the requirement to provide operational cover within the employing authority and beyond

The process for setting salary levels should include consideration of the following criteria:

- Minimum salary levels for Chief Officers in relevant sized local authorities
- Market rates of pay for senior managers in a range of private and public sector organisations
- Evidence of recruitment and/or retention difficulties with existing minimum rates

There are a range of schemes and approaches available for authorities to use in assessing job size. To assist authorities, advice can be obtained from the Employers' Side Secretary of the NJC.

WORKFORCE PLANNING

5. Fire and rescue authorities should be regularly reviewing their future requirements for employees at all levels, implications for the organisational structure, including availability to cover operational needs and cross authority resilience requirements.

In determining the appropriate structure, Authorities need to be mindful of the potential for Brigade Managers to be absent for extended periods in the event of major civil disruption and the impact this will have on the organisation as a whole, and more specifically, on the remaining corporate team.

Authorities are reminded of the requirement to consult on any proposed changes. In addition, there may be a need to negotiate on some issues that may emerge from the consultation process e.g. a change to terms and conditions of employment

6. Where the changes to the organisational structure will lead to increases in the staffing complement, the authority will need to consider what the relevant grades will be and how best to recruit to the new posts in accordance with the Fairness and Dignity at Work policy.

Where the changes to the organisational structure will lead to a reduction in the staffing complement, authorities should, as far as is practicable, achieve these through natural wastage, the use of temporary appointments or other arrangements to avoid the necessity of making individuals redundant.

7. However, where this is not possible the fire and rescue authority should first seek volunteers for redundancy, where appropriate.
8. Where a Brigade Manager is moved from a higher graded/paid job to a lower graded/paid job, except by virtue of discipline or capability, the fire and rescue authority is recommended to put in place arrangements for pay protection taking into account:
 - a. Other pay protection and redundancy arrangements for employees of the fire and rescue authority.
 - b. Equal Opportunities Commission advice on pay protection and redundancy – protection arrangements can be discriminatory in certain circumstances
 - c. Any other local policies and issues
 - d. Pay protection and redundancy arrangements in other similar organisations
9. Where a Brigade Manager requests to move to a lower graded/paid post then they will receive the pay and conditions applicable to that post and protection arrangements will not apply.

GUIDANCE ON THE APPRAISAL OF BRIGADE MANAGERS

Introduction

1. This document has been developed by the Joint Secretaries to assist local Fire and Rescue Services when implementing a performance appraisal system for managers whose conditions of service relate to the NJC for Brigade Managers. In this context it should be read in conjunction with the paragraphs relating to performance appraisal in the conditions of service (See paragraphs 30 to 32).
2. This guidance is intended for use by a Brigade Manager and where applicable nominated elected members representing the Authority to which the manager reports. The focus of this process should be on clarifying what Brigade Managers are expected to achieve and on identifying any continuing personal development needs which, if met, would maintain a high level of performance. The process of setting objectives should be by agreement and the result should be to identify objectives which are relevant and challenging but achievable.
3. The process should not become complex. At all times it needs to focus clearly on a few basic issues: what the Brigade Manager's job is; what has been done well; what could have been done better; the major issues over the next year; and what development needs the process identifies.

Responsibility for Appraisal

4. The responsibility for appraising a Brigade Manager lies with their line manager and as appropriate by (an) Authority member(s) representing the Fire and Rescue Authority..

The Purpose of the Appraisal

5. To identify and clarify the key objectives, priorities and targets of the Service with specific reference to the Brigade Manager's area of responsibility, over the next (twelve) months.
6. Agree what the Brigade Manager should personally achieve over the next (twelve) months and identify standards of performance, in order to deliver the Service's key objectives, priorities and targets. These targets should be realistic and achievable in the light of available resources and time. Standards of performance should be expressed in ways that can be monitored objectively. The parties should identify the resource implications of the agreed objectives.
7. Discuss positive achievements over the past (twelve) months and identify reasons for good performance.
8. Discuss instances over the past (twelve) months where targets have not been met, jointly identifying factors preventing the achievement of agreed goals.

9. Discuss development requirements. The parties should identify and where necessary provide the professional development necessary to equip him or her with the requisite skills to meet the Service's objectives. The parties should be proactive and anticipate future development needs in the context of the Service's changing priorities. This discussion may lead to agreement on changes to the working relationship between the line manager, elected members and the appraisee. It should not be assumed that it is only the Brigade Manager who may need to adjust his/her approach to the working relationship.

Appraisal and the Service's Forward Plan

10. Appraisal should be set in the context of the Service's objectives, priorities and targets, generally expressed in the forward plan or equivalent. Appraisal targets when taken as a whole should be related to agreed targets for the Service as a whole.

The Appraisal Cycle

11. Appraisal should take place on a predetermined date, at least annually, backed up by monitoring meetings on a regular basis at which targets can be reviewed for continuing relevance. A formal system of appraisal should not prevent continuous discussion regarding progress and performance.

The key elements of the appraisal process are:

1. Continuous two way monitoring of performance against objectives
2. Preparation for an appraisal interview
3. An appraisal interview where recent and current performance, future objectives and development needs are discussed
4. Agreement should be reached on action required from either party to ensure required performance is achievable.
5. The process of informal discussion regarding performance should continue

The Appraisal Interview and Afterwards

12. Key elements of the appraisal interview process and afterwards are:
 1. All parties should be well informed and prepared for the interview.
 2. The process should be two way.
 3. The interview should be free from interruptions and notes taken when necessary. An agreed written record of key points should be produced at the conclusion of the process.
 4. The parties should concentrate as far as possible on established facts rather than unsubstantiated opinions.

5. Targets should be agreed which are achievable and realistic in the light of available resources including time, and are capable of being monitored.
6. Any agreed development plans should be implemented within agreed timescales. The support and resources, including time, necessary to meet targets should be identified.
7. The Brigade Manager should be given a reasonable opportunity to correct any shortfalls in performance.
8. A date for the next review should be agreed.

External Assistance

13. External assistance in facilitating the appraisal process can be helpful in providing an independent perspective. Within the Fire and Rescue Service family, it may be sought from:
 - The Employer's Secretary at the Local Government Employers
 - The Staff Side Secretary at APFO, 10-11 Pebble Close, Amington, Tamworth, Staffordshire B77 4RD

Such assistance may take the form either of suggesting the names of recently retired Brigade Managers or other independent people. A fee may be requested to cover staff time.

Alternatively such assistance may be available from commercial services such as consultancy firms.

Other Matters

14. The content of appraisal interviews should be treated as confidential to the participants. However, it may be useful to report to an appropriate committee meeting that an appraisal interview has taken place.
15. This would not preclude the use of such information in other confidential proceedings.

APPLICATION OF GREY BOOK CONDITIONS TO GOLD BOOK EMPLOYEES

Applies	Does not apply
Leave as per Area Manager (Section 4 C) inc general provisions, public holidays, Trade Union facility leave. Leave for Public Duties	Preface,
Section 4D Maternity, Childcare and Dependency	Section 1
Section 4 Pt E Paras 1 - 11	Section 2*
Section 5 Pt A and B except for paras 9 – 14	Section 3
Section 7 paras 6 - 11	Section 4 Pt A, B, Pt C as it affects retained duty system and staff below Area Manager, End of Course Leave, Part E Para 12 - end
	Section 5 Pt B paras 9 – 14
	Section 6
	Section 7 bar paras 6 - 11
	Appendices

* Except as specified in the Gold Book

**PRINCIPLES FOR DEALING WITH
GRIEVANCE, DISCIPLINE AND CAPABILITY MATTERS**

- 1 Fire and Rescue Authorities should produce written procedures in relation to Brigade Managers, and should have full regard to the principles and standards set out in the ACAS Code of Practice on Disciplinary and Capability Procedures.

General Principles

- 2 Brigade Managers are expected to demonstrate the highest standards of behaviour in public life and consistently demonstrate the personal qualities and attributes expected of a Brigade Manager.
- 3 The service ascribes to a set of core values and these should shape the relationship between Brigade Managers and their employers.
- 4 The relationship that all parties are entitled to expect is that the process will ensure fair and reasonable treatment with all parties involved dealt with in an open and honest manner.
- 5 If individuals believe they are being unfairly treated they should use the relevant procedures to seek redress.
- 6 Individuals have the right to expect confidentiality in respect of issues concerning themselves.
- 7 The NJC encourages both parties to seek to resolve differences by informal means whenever possible. Where this proves difficult, mediation and other alternative dispute resolution methods may assist in bringing a matter to a satisfactory conclusion.
- 8 Individuals and Fire and Rescue Authorities also have an obligation to conclude issues in a timely and efficient manner.
- 9 Decisions in respect of these procedures should only be made by those officers who have delegated powers to make such decisions, and whom have no direct interest in the case.

Grievance issues

- 10 If a Brigade Manager has an issue in respect of their employment they should initially attempt to resolve the issue informally. Only if this is unsuccessful, should they consider lodging a formal grievance with the appropriate person identified in the *Authority's Grievance Procedure* within the defined timescale, and follow that procedure through to a conclusion. As a minimum the procedure should comply with the statutory requirements.
- 11 Both parties should deal with the grievance in good faith, applying the principles of natural justice and should consider the issues objectively. Taking into account

the potential adverse affect upon reputation and/or operational requirements the process should not be prolonged.

Discipline issues

- 12 Where an allegation is made in respect of a Brigade Manager, which could constitute either misconduct or gross misconduct, then the Authority shall initiate its disciplinary procedure. In this respect, Authorities are recommended to consider adopting a disciplinary procedure for Brigade Managers which is similar to that applicable to the model adopted by the JNC for Chief Officers of Local Authorities, or in cases where the Chief Fire Officer has been designated Head of Paid Service the JNC for Chief Executives.
- 13 These procedures allow for a preliminary investigation to be undertaken by a relevant Officer (or in cases of allegations concerning the Chief Fire Officer a designated independent person).
- 14 The purpose of the preliminary investigation is to determine if a potential question of discipline exists, and if it does, whether it could not be resolved informally (eg through an unrecorded informal warning). A quiet word is often all that is required however it will depend upon the seriousness of the situation
- 15 Where a preliminary investigation determines that there is a potential case to answer, a detailed investigation will be undertaken and, where appropriate a designated person appointed from outside the service, to fully investigate the matter, and to determine if there is a case to answer.
- 16 A Disciplinary Panel will hear the case and where appropriate consider a suitable sanction such as oral/written warnings, final written warning through to dismissal with or without notice.
- 17 The procedure could also be used where there is on-going concern regarding capability or attendance issues. In such circumstances it may need to be adapted to cover appropriate alternative outcomes e.g. movement to an alternative post at the same or lower level, support through training.
- 18 Where the Brigade Manager is dissatisfied in respect of matters concerning disciplinary proceedings and/or the outcome of proceedings they should exercise their right of appeal under the Disciplinary Procedure.
19. Where an employee is suspended they will receive full pay throughout the period of the suspension unless they commence sickness absence in which case their pay will be in accordance with their sick pay scheme. If the individual is still suspended at the commencement of reduced sick pay then the authority should consider continuing to pay the individual the full rate of pay.