



Working with Trade Unions

Pro/01/54 | HR

Next review due: 01/04/2025



**Hampshire
& Isle of Wight**
FIRE & RESCUE SERVICE

Description

Hampshire and Isle of Wight Fire and Rescue Service (the Service) is committed to promoting a positive relationship between employees, their Representative Bodies (RBs), and management. The Service actively promotes this relationship and recognise the benefits.

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Introduction

This Procedure outlines:

- which Representative Bodies (RBs) are recognised by the Service and the agreed method by which they will represent their members
- the commitments made by both the Service and RBs in relation to working in partnership
- the facilities agreement between the Service and RBs
- the local consultation and negotiation procedures.

[Appendix A](#) sets out the agreed protocol to maintain good industrial relations and a positive relationship with RBs.

An explanation of the mechanisms for RB involvement and how they will represent members is set out in [Appendix B](#).

The Service will endeavour to make reasonable time and facilities available for agreed RB activities. The Service encourages the fullest possible participation by officials. Please see [Appendix C](#).

The Service expects RBs to work co-operatively and in partnership with the organisation to deliver Service objectives.

[Appendix D](#) contains the local consultation and negotiation procedures as set out in the Grey Book. These apply to all employees, except where stated.

The Health, Safety and Wellbeing Policy sets out specific duties, rights and responsibilities of RBs in relation to relevant health and safety legislation.

Recognition

For all formal negotiations and matters concerning conditions of service, the Service recognises the following Representative Bodies (RBs) in line with national negotiating procedures:

- Fire Brigades Union (FBU)
- UNISON
- GMB.

For consultation and engagement, in addition to the RBs above, the Service also recognises:

- Fire Officers Association (FOA)
- Fire and Rescue Services Association (FRSA)
- Fire Leaders Association (FLA).

For issues directly relating to, or impacting upon, female employees, the Service also acknowledges Women in the Fire Service UK, but not for the purposes of negotiation.

Appendix A - Joint protocol for good industrial relations and workplace partnership

The Service is committed to actively promoting a positive relationship between employees, their Representative Bodies (RBs) and management.

This is achieved by adopting the joint protocol for good industrial relations and by jointly committing to:

- the success of the Service
- recognising each other's legitimate interests and responsibilities
- focusing on the quality of working life
- operating in a transparent manner
- continuously improving industrial relations
- reaching agreement (where possible) within appropriate timescales
- ongoing dialogue and exchanging views (inc. face-to-face meetings)
- a 'no surprises' culture
- the Service's values.

In addition to the above principles, the Service is committed to developing a relationship of partnership working with RBs.

This relationship is referred to as the Workplace Partnership and is based on the following commitments by all parties to:

- wise stewardship of public finances
- employment security
- strive to find areas of mutual agreement and avoid unnecessary conflict
- equality, fairness and dignity in the workplace
- value diversity in the workplace
- maintain a healthy and safe work environment
- the wellbeing of the employees.

In support of the principles of the joint protocol and Workplace Partnership, employer representatives will:

- engage with RBs early in consultation/negotiation (as appropriate)
- share all appropriate information (e.g. on finance and employment matters) with trade union representatives in a timely manner to enable effective consultation and/or negotiation to take place
- take on board trade union views, providing feedback on how that process has influenced their subsequent position
- put in place reasonable trade union facilities in accordance with statutory requirements and ACAS good practice guidance. The purpose is to support this inclusive approach.

RB representatives will:

- actively and constructively play a part in early discussions to facilitate reaching agreement, wherever possible, in a timely manner
- provide a considered response to proposals, including alternative options
- share relevant and appropriate information with employer representatives to assist decisions.

All parties will:

- recognise their common interests and joint purpose in furthering the aims and objectives of the Service and in achieving reasonable solutions
- behave respectfully towards each other at all times
- accept the need for joint consultation or negotiation in securing their objectives
- identify at the outset the appropriate timescale for discussion
- treat any information that is shared confidentially
- actively work together to build trust and a mutual respect for each other's roles and responsibilities
- ensure openness, honesty and transparency in communications
- commit to the principles outlined in this protocol
- take a positive and constructive approach to industrial relations
- commit to early discussion of emerging issues and to maintaining dialogue in order to ensure a 'no surprises' culture
- commit to ensuring high quality outcomes
- where appropriate, seek to agree public positions
- enter into dialogue at the earliest possible stage wherever possible
- work in partnership to find solutions to issues wherever possible
- accurately record, communicate and comply with decisions which have been jointly agreed
- treat each other with dignity and respect at all times.

Appendix B - Recognition and representation

Attendance at Service meetings

There may be a requirement for RBs to gather information. Representatives of the recognised RBs will be provided with the opportunity to attend Authority meetings.

Negotiation meetings

For the purposes of negotiation, representatives of the recognised RBs will be provided with the opportunity to attend:

- meetings with Service management
- individual RB meetings with Service management.

Consultation meetings

For the purposes of consultation, and within the principles of the Workplace Partnership, representatives of the recognised RBs will be provided with the opportunity to attend all relevant meetings.

Representing a member

For the purposes of representing specific individuals or groups, representatives of the recognised RBs will be provided with the opportunity to attend formal meetings in relation to:

- Disciplinary
- Grievance
- Managing Sickness Absence
- Capability
- Medical appeals
- Employment tribunals
- Formal latter stages of probationary processes where continuation of employment may be at risk.

Representation of employees is not exclusive to RB officials. Details are set out in the Grievance, Managing Sickness Absence, Capability and Disciplinary Procedures.

The above list is not exhaustive and all parties recognise that there may be a need for ad hoc meetings that do not fall into one of these categories.

Agreements

This Procedure recognises the commitment by all parties to strive to find areas of mutual agreement and avoid unnecessary conflict.

The usual timescale for consultation or negotiation with RBs will be 6 to 8 weeks, although this may be reduced to 4 weeks for urgent issues where this is mutually agreed between the Service and RBs.

Disputes and failure to agree

All parties will strive to find areas of mutual agreement. It is recognised there be occasions when disagreement becomes unavoidable.

In the event of failing to agree, parties will follow the process outlined in their respective conditions of service (see [Appendix D](#)).

Notification of elected posts

The secretaries of the recognised RBs will advise the Service, in writing, of the names of any Service level officials that are elected. They are also committed to keeping this record up-to-date.

Attendance at RB meetings and other events

RBs may provide a reasonable request for management to attend recognised RB meetings. Whenever possible, representatives of Service management will react positively.

If a RB requests to attend a Station Open Day or any other public event, the request should not be unreasonably refused.

The following arrangements must have been put in place:

- any presentation is given in a 'passive' way for example there is no attempt to force literature or the RB message onto the public. As such, for example there must be no use of loudhailers, etc
- there is a central fixed presence for the distribution of literature and the display of information
- a reasonable number of RB members crew the stand
 - the level will be at the discretion of the Station or Watch Manager but should not interfere with operational activities
- representatives, where in uniform, will be appropriately attired (not PPE) and must conduct themselves both as ambassadors of the Service and their RB
- no money collection is made
- RBs will ensure that the presence and action of its members does not in any way embarrass the public or bring the Service into disrepute.

Appendix C - Facilities Agreement

The Service will endeavor to make reasonable time and facilities available for agreed RB activities. The Service will encourage and promote the fullest possible participation in the Workplace Partnership.

In making time and facilities available for RB activities all parties will be referred to ACAS guidance. See www.acas.org.uk.

Facilities time - paid time

This agreement will extend to elected officials of the recognised RBs having a Branch, Service wide, Regional or National remit (or their nominated representatives). This includes Union Learning Representatives. However, it does recognise that elected officials from individual workplaces may also occasionally need some time made available for legitimate RB duties.

Amount of time permitted

It is not possible to provide exact figures in terms of hours, as this will vary depending on circumstances. It is expected that the principles in the table are adhered to:

Theme	Principles
Scheduling & time recording	<ul style="list-style-type: none"> • Every effort should be made for meetings/commitments to be organised on non-duty days to avoid time out of the workplace. • It is expected that RB officials will record all time taken up by RB activities on Gartan (Grey Book employees) / ESS (Green Book employees).
Working Time Regulations	<ul style="list-style-type: none"> • Individuals undertaking RB duties will be expected to return to normal duties at the earliest opportunity after completion of RB duties. However, they must take an adequate rest period in accordance with the Working Time Regulations Procedure. • Compensatory time off at plain time may be claimed where an official is asked by management to undertake RB duties in an off-duty period. Such time off will be taken to suit the demands of the Service and in accordance with the Leave and Time Off Procedure. If an official is asked by management to undertake RB duties in an off-duty period immediately prior to proceeding onto a night duty, reasonable time will be allowed for rest and recuperation prior to reporting for duty. The individual must be given the appropriate opportunity for rest periods.

Local management	<ul style="list-style-type: none"> • Local managers need to recognise the important contribution made by RB officials. They must make every effort to accommodate legitimate requests. • The Service recognises the important role played by RB officials. Subsequently, the Service expects that legitimate requests for time off will not be unreasonably refused by local managers. • RB officials are expected to work closely with local managers to organise time available for RB obligations. <ul style="list-style-type: none"> ○ This must be organised in such a way that it minimises the impact on working lives of others at any particular workplace.
Resources & operational priority	<ul style="list-style-type: none"> • Time made available will always be to suit the demands of the Service and operational commitments will always take precedence. • The maintenance of critical operational response remains paramount. <ul style="list-style-type: none"> ○ The use of a standby from another station to enable an official to be released is acceptable. ○ Time will not be made available if it results in a compromise to critical operational response. • Where there is more than one official working at a single work location, it is expected that the RB commitments would be shared so that putting unnecessary strain on the available resources is avoided. • Officials carrying out individual workplace-based activities will be expected to maintain full operational availability during the course of the activity, if needed.
Additional facilities time	<ul style="list-style-type: none"> • There may be occasions where it is agreed that additional facilities time is necessary (for example for a specific project or employee relations matter). The Service will consider this and accommodate additional time where possible and appropriate.

There may be occasions when, at management's request, consideration will be given to transfer an RB official to undertake work on a large-scale project on behalf of the Service.

Occasions on which time can be made available

The Service will endeavour to make reasonable time available to RB officials identified for attendance at:

- activities and commitments referred to in [Appendix B](#)
 - this includes all preparation and the subsequent administration
- particular tasks which are requested by management
- Service Committee Meetings

- Regional/National Committee Meetings
- annual TUC conferences or their Trade Union annual national conference as a nominated delegate
- Brigade Committee Meetings
- annual conferences and other events, in the capacity of observer
 - specific line manager approval must be obtained first for this activity.

RB officials or deputies must request time for RB duties in writing to their line manager.

The line manager must recognise the importance of the work carried out by the RB representative.

RB officials will be expected to co-operate fully with local managers by giving as much notice as possible of future RB obligations.

Facilities for On-call RB officials

If an On-call RB official is asked to attend a meeting at the request of the Service, they will be able to claim the time at the On-call hourly rate.

The Service will pay On-call RB officials for any missed calls which occur whilst they are undertaking approved union duties, if they would normally be On-call. This time will be regarded as available hours for management information purposes.

The On-call RB official must make any request to management for time to be made available in advance.

Local meetings held in work time

The Service will make available reasonable facilities for properly constituted local branch meetings to be held in individual workplaces and in work time.

This is subject to the following:

- all local meetings will be held subject to the requirements of the Service
- the branch secretary will give local managers sufficient notice of any proposed meeting
- the time, place and duration of meetings will be agreed with the local manager
- operational availability will be maintained at all times
- the meeting will not interfere with key times during the working day (e.g. hand over)

- necessary Service work not undertaken as a result of the meeting being held will be addressed after the meeting has finished
- off-duty RBs may attend in their own time
- meeting times are kept to a reasonable length
- the frequency of meetings must not cause unnecessary disruption
- the meetings must not disadvantage or inconvenience non-RB members working at the same place
- it would be expected that, whenever possible, any visiting RB official would make themselves known to the local manager on arrival at a particular place of work.

Training events

RB officials may be allowed time to take advantage of appropriate RB training.

This is subject to:

- requests for attendance at RB training events in work time being submitted and approved in good time
- the training is provided by a RB that is recognised by the Service
- copies of the syllabus or prospectus are submitted with the application to attend
- attendance will be subject to the requirements of the Service
- the total time being requested is reasonable
- attendance whilst off duty will not attract overtime or time off in lieu
- time off from a night shift on the day prior to a course is permitted.

Physical resources/facilities for RB duties and activities

The Service will provide RB officials with sufficient resources and facilities to enable them to fulfil their function.

This might consist of access to:

- emails and internet facilities
- phone facilities
- photocopying and printing equipment
- notice boards
- the Service's internal mail system.

Officials must adhere to the Service's relevant policies and procedures when using any of the facilities listed above.

Where an RB official sends external post, the cost will be covered by the RB. However, there may be occasions where the Service considers making a financial contribution towards the cost.

Travel and subsistence

When undertaking RB duties during normal working hours, officials will be entitled to travel expenses and subsistence allowances. These will be paid in accordance with the Allowances and Expenses Procedure.

When undertaking RB duties at the request of the Service outside of normal duty hours, officials will be regarded as being at work for pension, insurance and pay purposes.

Where a claim is made to the RB which covers travel and subsistence expenses, a claim for the same travel and/or subsistence cannot be made to the Service.

All parties will monitor the suitability of this agreement to ensure that it is appropriate and reasonable.

Appendix D - Local consultation and negotiation procedures

The procedures in this section are intended to establish relationships and interactions that promote joint solution. They seek to resolve any differences that may arise between management and recognised RBs.

The procedures build upon the model consultation and negotiation procedures contained within the National Joint Council for Local Authority Fire and Rescue Services Scheme of Conditions of Service (Grey Book). The procedures also apply to employees conditioned to the Green Book, except where stated.

Depending on the circumstances, there may be occasions when:

- both consultation and negotiation apply
- the situation changes, a matter could start as consultation and then become a situation of negotiation, or vice versa.

Individual issues should be dealt with through the Grievance Procedure.

Consultation procedure

The following list, whilst not exhaustive, contains examples of where consultation will take place:

- where there is a legal duty (for example redundancy)
- Integrated Risk Management Planning and other major planning activity
- staff management procedures and non-contractual terms and conditions
- general developments in employment practice such as training and development
- other general matters that may affect staff at work.

Consultation shall commence at the earliest opportunity. It should take place prior to decisions having been taken.

As far as practicable, all relevant, non-confidential information will be made available to the recognised RBs to enable meaningful consultation to take place. Where confidential information is shared with RBs, they are obligated to keep this confidential unless agreed otherwise.

Consultation between the Service and recognised RBs shall be conducted with a view to reaching agreement. To this end, the Service shall give consideration to all issues raised with them.

The Service will provide reasons when it is unable to agree to any proposals put forward by the recognised RBs.

The parties shall work jointly to resolve issues identified during consultation and ensure that it is carried out effectively.

Consultation will be concluded at the point either when there is agreement or when the issues not agreed have been fully responded to. All parties agree to adhere to any prearranged timetable for completion of discussions.

Where one party considers that external assistance may be beneficial, it may seek the agreement of all other parties to involve a third party. No party should unreasonably refuse such a request.

Negotiation procedure

This Procedure shall be used for all matters that are the subject of collective negotiation and agreement between the Service and recognised RBs.

Any contractual matters such as remuneration, hours of work, leave entitlements and other conditions of service require agreement to change. Therefore they are negotiable.

The objective of the Procedure is to resolve issues jointly.

All parties should have the appropriate information needed to deal with any issue.

All parties will use their best endeavours to ensure compliance with the timetables set out in this Procedure unless otherwise jointly agreed.

Each party should give early notification to the other party that an issue has arisen. Wherever possible, RBs and the Service will maintain a continuous informal dialogue and exchange of information on relevant issues.

External assistance may be used to facilitate the negotiating process where the parties agree that this would be helpful.

Stage 1 arises when the Service and/or recognised RBs notify the other party of an issue that has arisen. Corporate level issues begin at Stage 2.

Where requested, a meeting to deal with the issue(s), will be arranged within 14 calendar days. As far as practicable, any supporting information will be made available to all parties prior to the meeting taking place.

If no solution is found within 14 calendar days, the parties will decide whether to:

- continue discussions at Stage 1
- refer to the next stage
- end the discussion.

Any party may refer the matter under negotiation to the next stage.

At Stage 2, the Service and/or recognised RBs will notify the other party of an issue:

- of a corporate nature
- which has been referred from stage 1.

Where requested, a negotiating meeting will be arranged within 14 calendar days. As far as practicable, all parties will be provided with relevant information prior to the meeting taking place.

If no solution is found within 14 calendar days of the meeting, the parties will decide whether to continue or conclude the discussion.

Where one party considers that external assistance may help in resolving an issue at a corporate level, they may request the agreement of the other parties to take this approach. It is expected that no party will unreasonably withhold agreement to such a request. Such a request will be made within 7 calendar days of completion of discussion at the corporate stage.

In such circumstances, the parties may jointly agree to refer the issue to:

- a) the NJC Joint Secretaries
- b) ACAS and/or
- c) the NJC Resolution Advisory Panel, comprised of an Independent Chair and the Joint Secretaries, to assist the parties further with their negotiations (only available for matters affecting Grey Book employees).

The above should be completed within 28 calendar days of the request for external assistance being made.

If a difference remains unresolved, subject to agreement of the parties and agreed terms of reference, an issue may be referred to ACAS for settlement by arbitration.

While an issue is subject to discussion/resolution under negotiation, neither side will seek to take any collective action or introduce change.

Any difference over the application will be resolved by reference to the Independent Chair of the Resolution Advisory Panel for matters relating to Grey Book employees.

Submissions and the decision will be by correspondence. This will be completed within 14 calendar days of the reference being made.

NJC assistance to local parties

The NJC Joint Secretaries have a role in assisting dispute resolution at a local level. Such issues need to be jointly referred in writing.

The parties locally will need to demonstrate that consultation and negotiation processes have been exhausted at the local level.

The joint letter shall:

- be agreed and signed by both local parties
- contain a joint summary of the issue on which agreement has not been reached. It must also contain evidence of discussions to date, including the original proposal, and any amendment made as a result of joint discussion at the local level
- contain a concise statement from each party summarising their respective position.

When requested to assist, the Joint Secretaries will expect the respective parties to:

- commit fully and with good intent to the process, maintaining an open mind. Whenever possible both parties present should have the authority to reach agreement
- ensure they are available for meetings, if and when required
- respect the confidential nature of matters under discussion through the Joint Secretaries process.

The NJC can also provide specific assistance in the form of the Technical Advisory Panel and Resolution Advisory Panel, as appropriate.

All parties will monitor the suitability of this agreement to ensure that it is appropriate and reasonable.

Updates

Section	What's been updated	Date updated	Who updated
	Updated references to Gartan	01/02/2022	