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**NATIONAL JOINT COUNCIL
FOR LOCAL AUTHORITIES'
FIRE BRIGADES**

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**To: Chief Fire Officers/Firemasters
Chief Executives/Clerks to Fire Authorities
Chairs of Fire Authorities**

Members of the National Joint Council

2nd December 2003

CIRCULAR NJC/13/03

Dear Sir/Madam

FIRE SERVICE PAY AND CONDITIONS AGREEMENT

The NJC has now formally agreed the following **attached** documents:

- Joint Secretaries' Position Statement of 20th October 2003
- the notes of clarification attached to the letter of 6th November 2003 from the Employers' Secretary to the Employees' Secretary



**Charles Nolda
Employers' Secretary**



**Andy Gilchrist
Employees' Secretary**

JOINT SECRETARIES' POSITION STATEMENT ON THE IMPLEMENTATION OF THE FIRE SERVICE PAY AND CONDITIONS AGREEMENT 2003

20th OCTOBER 2003

1 INTRODUCTION

- 1.1 The Fire Service Pay and Conditions Agreement reached on 13th June 2003 (and set out in circular NJC/01/03) required the National Joint Council to conduct detailed negotiations around the implementation of that framework. This statement sets out the provisional positions reached in negotiations and invites the Fire Service National Employers and the Fire Brigades Union respectively to ratify those positions with a view to them being agreed formally by the two sides of the NJC later this month.
- 1.2 Negotiations have yet to be concluded on:
- guidance on the pay issues relating to (i) the assessment of competence for each role within the IPDS structure (which is dependent on the publication of an impending Fire Service Circular) and (ii) the assessment of job size for some of the roles
 - the disputes procedure, where there has been preliminary discussion on principles and ACAS are continuing to assist the parties in the drafting of guidance on consultation, negotiation and dispute resolution processes to replace the existing disputes procedure
 - a revised Grey Book, drawn up on the principle that detailed conditions of service for local application will be derived from the nationally agreed framework, including the following items that were set out in paragraphs 4.1 and 4.2 of the agreement:
 - health and safety
 - occupational health
 - family friendly working arrangements
 - fairness at work
 - maternity provisions

2 PAY FORMULA

- 2.1 Paragraph 2.1 of the Fire Service Pay and Conditions Agreement 2003 stated, with regard to the pay increases at 1st July 2005 and 1st July 2006 respectively:

“STAGE 4

With effect from 1st July 2005

Pay to be increased in line with a pay formula. The details and terms to be agreed by the NJC by 31st July 2003.

STAGE 5

With effect from 1st July 2006

Pay to be increased in line with the pay formula agreed at Stage 4.”

- 2.2 The agreement further stated:

“Both sides of the NJC recognise that firefighters are now placed in the ‘Associate Professional and Technical’ occupational classification in the Government’s new earnings’ survey and that this will be an important consideration in agreeing this pay formula.”

- 2.3 The NJC subsequently reached the following agreement, which was set out in circular NJC/05/03, published on 29th July 2003:

“On 1st July 2005 and 2006 all pay rates determined by the NJC for Local Authorities’ Fire Brigades shall be adjusted in line with the movements in the average pay for the Associate Professional and Technical classification (full-time, male and female) in the New Earnings’ Survey for April the previous year projected to the operative date of the pay increase, which will then be compared with the previous July’s figure.”

3 EMERGENCY FIRE CONTROL STAFF

- 3.1 Paragraph 2.3 of the Fire Service Pay and Conditions Agreement 2003 stated:

“The NJC will make arrangements for a joint evaluation of the relative job weights of the firefighters’ and emergency fire control operators’ jobs, taking all relevant considerations into account. The results of this evaluation will be reported to the NJC by 31st July 2003. If it is agreed that the existing 92% relationship should be improved, this will be backdated to 7th November 2002.”

- 3.2 Each side of the NJC subsequently appointed a job evaluation consultant, who produced a joint report that was considered by the two sides of the NJC ahead of the 31st July deadline. The consultants required further time to gather additional information before they were able to reach an agreed conclusion on some of the evaluation factors. In the light of their subsequent report the NJC has reached the following agreement:

“Both sides of the National Joint Council fully accept that the Fire Service Pay and Conditions Agreement 2003 includes the work of emergency fire control rooms, in particular the expectations set out in paragraphs 1.3 and 1.4 of the agreement.

Following the joint evaluation of the relative job weights of the firefighters’ and emergency fire control operators’ jobs, it has been agreed that the existing 92% pay relationship should be improved to 95% with effect from 7th November 2002.”

4 STAGE 2 PAY AWARD

- 4.1 Paragraph 2.1 of the Fire Service Pay and Conditions Agreement 2003 stated that with effect from 7th November 2003:

“A new pay structure, linked to the IPDS role structure and producing average pay increases of 7%, will be agreed by the NJC by 31st October 2003. The NJC has already agreed a role-based structure to replace the current rank structure and also that, in developing the detail of a new pay structure, it will need to consider differentials between each role, increments within each role (including the 15-year long service increment) and protection arrangements for individuals, where they are needed. It is for this reason that the pay increase at this stage is expressed as an average of 7%.”

- 4.2 The NJC’s agreement to adopt a role based structure, which was reached in 1998, created the following seven firefighting roles:

- Firefighter
- Crew Manager
- Watch Manager
- Station Manager
- Group Manager
- Area Manager
- Brigade Manager

- 4.3 The 1998 agreement used the term “commander” but a broad consensus has since emerged that the term “manager” is more appropriate. (The pay and conditions of Brigade Managers are determined in the National Joint Council for Principal Fire Officers of Local Authorities’ Fire Brigades and are not a feature of this agreement).

- 4.4 The 1998 agreement set out the following anticipated assimilation from the existing rank structure to the new role-based structure:

Firefighter	Firefighter
Leading Firefighter	Crew Manager
Sub-Officer	Watch Manager
Station Officer	Watch Manager or Station Manager
Assistant Divisional Officer	Station Manager or Group Manager
Divisional Officer III	Group Manager
Divisional Officer II	Group Manager
Divisional Officer I	Area Manager
Senior Divisional Officer	Area Manager

- 4.5 With effect from 7th November 2003 this new role structure provides the basis for the pay structure set out at paragraph 4.14 below, which shall apply to all employees in firefighting roles (including those on the retained duty system). Adoption of the new role-based structure will also enable fire authorities to implement the Integrated Personal Development System at any time from that date. For employees in post on 6th November 2003 the assimilation process in paragraphs 4.31 to 4.37 below will apply with effect from 7th November 2003.

- 4.6 Subject to the necessary legislative changes, appointment to these roles will no longer be restricted by the terms of the present Fire Services (Appointments and Promotions) Regulations but will be determined by ability to meet the requirements of the appropriate role map and job function.

- 4.7 In addition to the firefighting roles above there is also a requirement to develop control-specific roles. The following will apply:

Fire Control Operator	Firefighter (Control)
Leading Fire Control Operator	Crew Manager (Control)
Senior Fire Control Operator	Watch Manager (Control)
Fire Control Officer	Watch Manager (Control) or Station Manager (Control)
Group Fire Control Officer	Group Manager (Control)
Principal Fire Control Officer	Group Manager (Control)

- 4.8 The adoption of the above roles will not, once the necessary legislative changes have been made, preclude employees in control-specific roles from being appointed to any of the roles set out in paragraph 4.2 above, including Area and Brigade Manager.

Application of IPDS

- 4.9 For IPDS purposes, each individual will pass through a number of developmental stages in the course of demonstrating competence:

Training

For the roles of Firefighter and Firefighter (Control) the training stage is the point at which an individual is in full-time training and is not yet performing the role in its appropriate context. An individual in this position would receive a trainee rate of pay.

Development

The development stage is where an individual is working in the role, under supervision and is being assessed against the different functions that make up that role. While individuals are in this stage, and before they show competence in the full requirements of the role, they will receive the development rate of pay.

Competent

After all applicable functions have been assessed as having been sufficiently achieved by an individual, they will have demonstrated "competence" in their role and receive the appropriate competent rate of pay.

- 4.10 It is not possible to specify a time period for competence to be demonstrated as it depends on the specific requirements of individuals, accessibility to assessment and the opportunities available. The whole basis of the new approach is to tailor development to meet individual and organisational needs, so the progress of each individual must be considered in the context of these variables. It can, however, be reasonably expected that the majority of employees, on any duty system, should show competence within the following timescales:

Firefighter	Three years from entry to the service
All other roles	18 months from entering the programme

- 4.11 Detailed guidance on the assessment of competence is still under consideration and will form the basis of a Fire Service Circular in due course.

Pay points within each role

- 4.12 For roles above Crew Manager there will be two pay points at competent level, which will reflect job size. The guidance for determining whether a particular post should be at the A or B level still needs to be agreed by the NJC.

IPDS pay structure

- 4.13 The following pay structure will apply with effect from 7th November 2003. Paragraph 2.1 of the Fire Service Pay and Conditions Agreement 2003 states that under Stage 3 of the pay award, which applies from 1st July 2004, an increase of 4.2% will be applied to the new structure agreed at Stage 2. The resultant pay rates, for employees on a 42-hour week, are set out below. Part-time employees shall be paid at the appropriate proportion of these rates.

- 4.14 Individuals in post on 6th November 2003 will be placed on the following new pay scales with effect from 7th November 2003 in accordance with the assimilation process set out in paragraphs 4.31 to 4.37 below:

	£ pa STAGE 2	£ pa STAGE 3
Firefighter		
Trainee	18,000	18,756
Development	18,750	19,538
Competent	23,959	25,000
Crew Manager		
Development	24,593	25,942
Competent	25,654	27,061
Watch Manager		
Development	26,586	27,907
Competent A	27,324	28,682
Competent B	29,745	30,994
Station Manager		
Development	30,940	32,239
Competent A	31,869	33,207
Competent B	34,126	35,559
Group Manager		
Development	34,833	36,574
Competent A	35,878	37,671
Competent B	39,502	41,161
Area Manager		
Development	41,032	43,034
Competent A	42,263	44,325
Competent B	45,887	47,814

- 4.15 Casual and pre-arranged overtime shall be paid at one and a half times the appropriate hourly rate.

- 4.16 Employees on the flexible duty system shall receive an allowance of 20% of basic pay.

Pay for employees on the retained duty system

- 4.17 The new pay structure for employees on the retained duty system incorporates the principle of parity of hourly rate with employees on other duty systems for all hours of work activity. The new structure produces an overall average increase of 13.74% at Stage 2 of the national pay award.

- 4.18 The present retained pay structure includes an annual retaining fee together with fees for weekly drill nights, turn-outs, attendances, and hourly rates for pre-arranged duty. The new structure includes an annual retainer (which is set at 10% of the appropriate whole-time annual salary) and an hourly rate paid for all work activity (which is the same as the hourly rate of an employee on a whole-time duty system). Where an employee is called out (and would currently receive a turn-out or attendance fee) they will receive a disturbance payment, fixed at the same rate for employees in every role, in addition to the hourly rate for the work they undertake.
- 4.19 The following pay structure, reflecting these principles, will replace the current national pay structure set out at Section VII of the Grey Book:

Annual retainer

The annual retainer for an employee providing full cover (which is defined as cover of at least 120 hours per week) shall be 10% of the annual basic pay of a whole-time employee in the same role and same development or competence position.

Where an employee provides cover for less than 120 hours per week the fire authority may set a lower annual retainer subject to it being no less than 75% of the of the annual retainer for an employee providing full cover.

The annual retainer for an employee providing cover as part of the day crewing duty system shall be 5% of that employee's whole-time annual basic pay.

Work activity

All work activity will be paid at the basic hourly rate of a whole-time employee in the same role and same development or competence position. Where the employee has been called out to an emergency they shall receive a minimum of one hour's pay where they form part of the crew that responds to the incident and a minimum of half an hour's pay where they do not form part of that crew.

Disturbance payment

An employee called out to an emergency shall also receive a fixed disturbance payment on each occasion in addition to the pay they receive for the work activity undertaken. That payment shall be £3.15 per occasion with effect from 7th November 2003.

- 4.20 The new pay structure with effect from 7th November 2003 for employees on the retained duty system is set out below.

	STAGE 2			STAGE 3		
	1 £ per annum	2 £ per hour	3 £ per occ	1 £ per annum	2 £ per hour	3 £ per occ
Firefighter						
Trainee	1,800	8.22	3.15	1,876	8.56	3.28
Development	1,875	8.56	3.15	1,954	8.92	3.28
Competent	2,396	10.94	3.15	2,500	11.42	3.28
Crew Manager						
Development	2,459	11.23	3.15	2,594	11.85	3.28
Competent	2,565	11.71	3.15	2,706	12.36	3.28
Watch Manager						
Development	2,659	12.14	3.15	2,791	12.74	3.28
Competent A	2,732	12.48	3.15	2,868	13.10	3.28
Competent B	2,975	13.58	3.15	3,099	14.15	3.28
Station Manager						
Development	3,094	14.13	3.15	3,224	14.72	3.28
Competent A	3,187	14.55	3.15	3,321	15.16	3.28
Competent B	3,413	15.58	3.15	3,556	16.24	3.28
Group Manager						
Development	3,483	15.91	3.15	3,657	16.70	3.28
Competent A	3,588	16.38	3.15	3,767	17.20	3.28
Competent B	3,950	18.04	3.15	4,116	18.80	3.28
Area Manager						
Development	4,103	18.74	3.15	4,303	19.65	3.28
Competent A	4,226	19.30	3.15	4,433	20.24	3.28
Competent B	4,589	20.95	3.15	4,781	21.83	3.28

Column 1 shows the full annual retainer
Column 2 shows the hourly rate for work undertaken
Column 3 shows the disturbance payment per call-out

- 4.21 It is not anticipated that any employee on the retained duty system will be worse off under the new pay structure than the current one for the same pattern and level of work activity. However, in the highly unlikely event that this should occur, fire authorities are asked to consider appropriate protection arrangements.
- 4.22 The existing long service bounty scheme shall continue to apply until the question of a pension scheme for employees on the retained duty system has been resolved nationally. The existing rates will be increased by 7% with effect from 7th November 2003.

- 4.23 The existing arrangements whereby volunteer firefighters are paid for all activity at the hourly rate of a retained firefighter shall continue to apply.

Pay for employees in control-specific roles

- 4.24 The pay rates for control employees on a 42-hour week are set out below. Part-time employees shall be paid at the appropriate proportion of these rates.

	£ pa STAGE 2	£ pa STAGE 3
Firefighter (Control)		
Trainee	17,100	17,818
Development	17,813	18,561
Competent	22,761	23,750
Crew Manager (Control)		
Development	23,363	24,645
Competent	24,371	25,708
Watch Manager (Control)		
Development	25,257	26,512
Competent A	25,958	27,248
Competent B	28,258	29,444
Station Manager (Control)		
Development	29,393	30,627
Competent A	30,276	31,547
Competent B	32,420	33,781
Group Manager (Control)		
Development	33,091	34,745
Competent A	34,084	35,787
Competent B	37,527	39,103

Pay for non-operational employees

- 4.25 Revised rates of pay for non-operational employees with effect from 7th November 2003 are set out at **Appendix A**. These provide an increase of 7% on existing basic rates.

15-year long service increment

- 4.26 The Equal Opportunities Commission code of practice and recent case law have highlighted the potentially discriminatory effect of incremental scales based purely on length of service, and of long incremental scales. The IPDS pay structure set out in paragraphs 4.14, 4.21 and 4.24 above does not therefore include any service-related pay points.

- 4.27 By 1st July 2006 the NJC will negotiate the introduction of payments based on the principle of rewarding continual professional development. All employees would have an equal opportunity of access to such payments, which would be outside both the IPDS basic pay structure in paragraphs 4.14 and 4.24 above and the provision for additional responsibility payments in paragraphs 4.40 to 4.41 below. The payments would also be compatible with appropriate guidance published by the Equal Opportunities Commission.
- 4.28 These payments will be funded from the net savings resulting from the 15-year long service increment being phased out over the life of the five-stage pay settlement set out in the Fire Service Pay and Conditions Agreement 2003. The increment will be frozen at £990 per annum (£940 for control-specific roles) with effect from 7th November 2003 and phased out on the following basis, ceasing to apply with effect from 1st July 2007:

	<i>Firefighting roles</i>	<i>Control roles</i>
7th November 2003 – 30th June 2006	£990	£940
1st July 2006 – 30th June 2007	£495	£470

- 4.29 Employees who reach 15 years' service between 7th November 2003 and 30th June 2007 shall qualify for payment of the long service increment at the rate applicable at the time.
- 4.30 An employee who is promoted to a higher role during this period shall cease to qualify for payment of the long service increment. Arrangements will need to be put in place to ensure that all employees receive a pay increase on promotion.

Assimilation process for existing employees on whole-time duty systems

- 4.31 Firefighters and Fire Control Operators who have completed four years' service by 6th November 2003 will be deemed "competent" for pay purposes and assimilated to the competent rates in the new structure with effect from 7th November 2003. Employees in substantive ranks above Firefighter or Fire Control Operator on 6th November 2003 shall be deemed "competent" for pay purposes in the following roles with effect from 7th November 2003:

Existing substantive rank	New role
Firefighter	Firefighter
Leading Firefighter	Crew Manager
Sub-Officer	Watch Manager A
Station Officer (rider Station Officer)	Watch Manager B
Station Officer (specialist not on flexible duty system)	Watch Manager B
Station Officer (on flexible duty system)	Station Manager A
Assistant Divisional Officer (not responsible for a group of stations)	Station Manager B
Assistant Divisional Officer (responsible for a group of stations)	Group Manager A
Divisional Officer III	Group Manager A
Divisional Officer II	Group Manager B
Divisional Officer I	Area Manager A
Senior Divisional Officer	Area Manager B
Fire Control Operator	Firefighter (Control)
Leading Fire Control Operator	Crew Manager (Control)
Senior Fire Control Operator	Watch Manager (Control) A
Fire Control Officer (not on flexible duty system)	Watch Manager (Control) B
Fire Control Officer (on flexible duty system)	Station Manager (Control) A
Group Fire Control Officer	Group Manager (Control) A
Principal Fire Control Officer	Group Manager (Control) B

- 4.32 Employees in temporary promotion positions (as defined by Section VI paragraph 13(3) of the Grey Book) on 7th November 2003 shall be assimilated to the appropriate pay point in their temporary role until they revert to the role equivalent to their former rank.
- 4.33 Whole-time Firefighters and Fire Control Operators with less than four years' service on 6th November 2003 will be assimilated to temporary assimilation pay points with effect from 7th November 2003. These assimilation points are equivalent to the current pay points (up to and including fourth year) enhanced by 7% with effect from 7th November 2003, 4.2% from 1st July 2004 and subsequent pay increases. Employees in this position will continue to receive increments on the assimilation points related to their length of service. They will move onto the competent rate of pay once they have completed four years' service or are deemed competent in IPDS terms, whichever is the earlier.

- 4.34 **Appendix B** sets out these assimilation arrangements in tabular form. They provide a minimum 7% pay increase on all basic pay points with effect from 7th November 2003.
- 4.35 Where the assimilation process on 7th November 2003 creates a basic pay increase of more than 7%, and the postholder is in receipt of a long-service increment, then the long service increment shall be reduced with effect from that date by the cash amount by which the increase exceeds 7%.

Assimilation process for existing employees on the retained duty system

- 4.36 Employees in post on the retained duty system on 6th November 2003 shall be deemed “competent” for pay purposes in the following roles with effect from 7th November 2003:

Existing substantive rank	New role
Firefighter	Firefighter
Leading Firefighter	Crew Manager
Sub-Officer	Watch Manager A
Sub-Officer in charge of station	Watch Manager B
Station Officer	Station Manager A

- 4.37 Employees in temporary promotion positions (as defined by Section VII paragraph 11(1) of the Grey Book) on 7th November 2003 shall be assimilated to the appropriate pay point in their temporary role until they revert to the role equivalent to their former rank.

Acting up and temporary promotion

- 4.38 Where there is a need for either acting up or temporary promotion, it is necessary for the individual to have met the following criteria:

- (1) demonstrated competence in their current role
- (2) demonstrated potential to develop beyond their current role
- (3) successfully completed the relevant assessment process for the higher role

- 4.39 It is recognised that in the early stages of the implementation of IPDS there may be difficulties in applying these principles on all occasions and fire authorities, trade unions and employees should adopt a co-operative common sense approach to any problems that might arise.

Additional responsibility payments

- 4.40 With effect from 7th November 2003 additional responsibility payments may be made to individual employees to reward additional skills and

responsibilities that are applied and maintained outside the requirements of the role but within the job function. The payments will be based on the requirements of the fire authority's integrated risk management plan, which may include payment for skills shortages where these are directly applicable to delivery of the IRMP.

- 4.41 The maximum payable to an individual will be determined locally. Additional responsibility payments will be temporary and non-pensionable and may be withdrawn following reasonable notice from the fire authority.

5 DUTY SYSTEMS

- 5.1 With effect from 7th November 2003 the duty systems and working time arrangements set out in paragraphs 3.3 to 3.6 of the Fire Service Pay and Conditions Agreement 2003 will apply in full, where they do not apply already.

- 5.2 The NJC has started the process of appointing an Independent Expert to chair the Technical Advisory Panel.

6 OVERTIME

- 6.1 Paragraph 3.8 of the Fire Service Pay and Conditions Agreement 2003 stated that employees will be free to undertake pre-arranged overtime at premium rates of pay (one and a half times the appropriate hourly rate) for no more than 24 hours per month, averaged over a six-month period, and required the FBU to lift its current ban on pre-arranged overtime. The ban has been lifted with effect from 7th November 2003.

- 6.2 Pre-arranged overtime will be worked on a voluntary basis and will not be used to make up any planned shortfall in the overall staffing level set out in the fire authority's risk management plan. The arrangements for the application of this agreement should be the subject of consultation between the fire authority and recognised trade unions.

7 WHOLE-TIME AND PART-TIME EMPLOYEES UNDERTAKING RETAINED DUTIES

- 7.1 Paragraph 3.3 of the Fire Service Pay and Conditions Agreement 2003 made it clear that whole-time and part-time employees on the shift, day crewing and day duties systems should be free to undertake retained duties where appropriate. With effect from 7th November 2003 there is no barrier to any employee working on a combination of different whole-time, part-time and retained duty systems at the same or different places of work or to employees working on different duty systems making up the crew of the same fire appliance. The arrangements for the application of this agreement should be the subject of consultation between the fire authority and recognised trade unions.

8 NEGOTIATING MACHINERY

- 8.1 The NJC has appointed Rita Donaghy, Chair of ACAS, to convene a working group of representatives of fire service stakeholders, who will propose revisions to the constitution of the NJC. The report of this working group will be presented to the appropriate stakeholders for ratification during December 2003.

**CHARLES NOLDA
ANDY GILCHRIST
Joint Secretaries**

20th October 2003

APPENDIX A

NON-OPERATIONAL STAFF RATES OF PAY WITH EFFECT FROM 7th NOVEMBER 2003

	<i>£ pa</i>
Non-operational staff (Fire Control Operator equivalent)	
During first six months	15,331
After six months and during 2nd year	16,011
During 3rd year	16,772
During 4th year	17,597
During 5th year	19,164
Non-operational staff (Leading Fire Control Operator equivalent)	20,522
Non-operational staff (Senior Fire Control Operator equivalent)	
During 1st year in rank	21,051
During 2nd year in rank	21,847

Employees with at least 15 years' service will receive a long service payment of £792 per annum

NOTES OF CLARIFICATION

Paragraph 4.5

What will be the pay position of employees who are promoted on or after 7th November but before the Appointments and Promotions Regulations have been amended and guidance on assessment has been published?

Until the Appointments and Promotions Regulations have been amended, promotions will technically still be to ranks rather than roles and, until the publication of the impending Fire Service Circular, there will be no method of assessing competence. Therefore, for promotions that take place before these two events have occurred, promoted employees will be deemed competent for pay purposes in the roles set out in the table in paragraph 4.31.

Once the regulations have been amended and the guidance on assessment has been published, promoted employees will be placed on the development point of their new role.

Paragraphs 4.19 and 4.20

Will employees on the retained duty system receive a disturbance payment and a guaranteed minimum of one hour's pay for turn-outs that occur when they are already at an incident or drill night? If not, then, under the costing model used during negotiations, the assumed average increase of 13.74% will not be achieved.

The intended application of the new pay system would mean that a disturbance fee would be paid only where the employee is not already on duty. Once they are on duty then pay would be at the appropriate hourly rate for the time actually worked, subject to a minimum of one hour from the time of being called out (or half an hour where they do not form part of the crew that attends the incident).

However, it is accepted that this may create an increase slightly below the intended 13.74%. As a result the Employers would be prepared to agree that for the period from 7th November 2003 to 30th June 2004 inclusive, a disturbance payment will be made on all occasions that a turn-out or attendance fee would currently be paid and that a minimum of one hour's payment would be made for all turn-outs.

The NJC would monitor a sample of fire authorities to determine how frequently these payments are made for second and subsequent turn-outs. With effect from 1st July 2004 the application would revert to that originally intended and only one disturbance payment would be made for each continuous period of work activity (and none where the employee is already at a drill night). We will calculate any savings generated by this revised method and these would be used to increase the disturbance payment with effect from 1st July 2004 above the level of £3.28 set out in paragraph 4.20, thus ensuring that the average increase would remain at 13.74% (at 7th November 2003 rates).

The interim arrangement would be similar to the current pay structure and would give fire authorities longer to prepare for paying under the new method with effect from 1st July 2004.

Paragraph 4.21

What protection arrangements will apply to employees on the retained duty system?

Employees will receive a minimum increase of 7% for the same pattern and level of work activity.

Paragraph 4.26 to 4.30

Will the protected 15-year long service increment and proposed payments for rewarding continual professional development be pensionable?

The 15-year long service increment will of course continue to count as pensionable pay. Our assumption is that the proposed payments for rewarding continual professional development will be covered by the definitions of pensionable pay in the Firefighters' Pension Scheme and Local Government Pension Scheme.

Paragraph 4.30

What arrangements will be made to ensure that all employees receive a pay increase on promotion where they otherwise may not as a result of the phasing out of the 15-year long service increment?

The Employers would be prepared to agree that employees who lose the 15-year long service increment on promotion to the development rate of a higher role, will receive a minimum pay increase of £300 per annum, which will be achieved through partial protection of the long service increment.

This principle would also apply in cases of temporary promotion and acting up.

Appendix B Note 7

What increases will apply to these roles on 1st July 2005 and 1st July 2006?

The following additional increases will apply over the life of the life of the pay stages set out in the Position Statement:

Crew Manager (Competent) to increase by £946

£316 on 1st July 2004

£315 on 1st July 2005

£315 on 1st July 2006

Watch Manager (Competent A) to increase by £606

£202 on 1st July 2004

£202 on 1st July 2005

£202 on 1st July 2006

Group Manager (Competent A) to increase by £824

£275 on 1st July 2004

£275 on 1st July 2005

£274 on 1st July 2006

Area Manager (Competent A) to increase by £824
£275 on 1st July 2004
£275 on 1st July 2005
£274 on 1st July 2006

These increases are all expressed at 7th November 2003 rates. In practical terms they will need to be enhanced by future pay increases so:

- the 2004 increases will be further enhanced by 4.2%
- the 2005 increases will be enhanced by 4.2% and the 2005 pay formula increase
- the 2006 increases will be enhanced by 4.2%, the 2005 pay formula increase and the 2006 pay formula increase

The development rates for each of these roles will also be increased to maintain the current relationship with the above rates.

The equivalent emergency fire control roles will be enhanced by 95% of the above figures.

Paragraph 7.1

The removal of the barriers referred to in this paragraph could create a situation where individuals are required to work an unreasonable number of hours. Surely this is not the intention?

No. Working arrangements will need to comply with the requirements of the Working Time Regulations and Health and Safety and Welfare at Work legislation, have regard to the special circumstances of individual employees and be family friendly.

Paragraph 4.27 and 4.28

Who will be eligible for payments for continual professional development and when will such payments be available?

The process will be totally non-discriminatory and all employees will have equality of opportunity in gaining access to such payments. Payments would be phased in as the net savings resulting from the phasing out of the 15-year long service increment are being phased out with effect from 1st July 2006.

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**NATIONAL JOINT COUNCIL
FOR LOCAL AUTHORITIES'
FIRE BRIGADES**

**To: Chief Fire Officers/Firemasters
Chief Executives/Clerks to Fire Authorities
Chairs of Fire Authorities**

Members of the National Joint Council

13th June 2003

CIRCULAR NJC/01/03

Dear Sir/Madam

FIRE SERVICE PAY AND CONDITIONS AGREEMENT

We are writing to confirm that the two sides of the National Joint Council have agreed the **attached** document.

Yours faithfully
**CHARLES NOLDA
ANDY GILCHRIST
Joint Secretaries**

FIRE SERVICE PAY AND CONDITIONS AGREEMENT 2003

1 INTRODUCTION

- 1.1 This agreement sets out the changes in conditions of service, and associated pay rises, for a modern fire service.
- 1.2 In reaching this agreement the NJC recognises that the role of a modern service is the reduction in loss of life, injury, economic and social cost arising from fires and other hazards.
- 1.3 The fire service is responsible for:
 - risk reduction and risk management in relation to fires and some other types of hazard or emergency,
 - community fire safety and education,
 - fire safety enforcement,
 - emergency responses to fires and other emergencies where it is best fitted to act as the primary agency responsible for the rescue of people including road traffic accidents, chemical spillages and other large-scale incidents such as transport accidents; and
 - emergency preparedness coupled with the capacity and resilience to respond to major incidents of terrorism and other chemical, biological, radiological or nuclear threats.
- 1.4 The principal components of “firefighting” and “fire control” work are covered by the relevant fire service national role maps. These role maps reflect fire service responsibilities incorporated into local risk management plans in order to:
 - apply a risk-based approach to fire cover and to all its activities in deciding how best to use its resources,
 - focus on reducing the level of fire and other emergencies,
 - develop and maintain effective partnerships with a range of agencies in the public, private and voluntary sectors where these can deliver cost-effective improvements in community safety,

- adopt safe systems of working to secure the health and safety of both its staff and the general public; and
- minimise the impact of the incidents it attends and of its response at those incidents on the environment.

2 PAY

2.1 STAGE 1

With effect from 7th November 2002

All current pay rates and retained fees for all ranks will be increased by 4%. This increase will be paid as soon as possible after this agreement has been ratified and will be backdated.

STAGE 2

With effect from 7th November 2003

A new pay structure, linked to the IPDS role structure and producing average pay increases of 7%, will be agreed by the NJC by 31st October 2003. The NJC has already agreed a role-based structure to replace the current rank structure and also that, in developing the detail of a new pay structure, it will need to consider differentials between each role, increments within each role (including the 15-year long service increment) and protection arrangements for individuals, where they are needed. It is for this reason that the pay increase at this stage is expressed as an average of 7%.

STAGE 3

With effect from 1st July 2004

An increase of 4.2% will be applied to the new pay structure agreed at Stage 2. For qualified/competent firefighters this would produce a cumulative increase of 16% over stages 1 to 3 and an annual salary of £25,000.

The pay increases at stages 2 and 3 are subject to:

- (a) completion of all the negotiations and consultations referred to in this agreement and, where appropriate, their ratification by the Fire Service National Employers, the Fire Brigades Union and Government; and
- (b) verification by the Audit Commission (England and Wales), Accounts Commission (Scotland) and Government (Northern Ireland) that the intended benefits (including savings) of the various national changes are being delivered locally.

STAGE 4

With effect from 1st July 2005

Pay to be increased in line with a pay formula. The details and terms will be agreed by the NJC by 31st July 2003.

STAGE 5

With effect from 1st July 2006

Pay to be increased in line with the pay formula agreed at Stage 4.

Both sides of the NJC recognise that firefighters are now placed in the "Associate Professional and Technical" occupational classification in the Government's new earnings' survey and that this will be an important consideration in agreeing this pay formula.

Retained firefighters

- 2.2 The NJC has agreed the principle of pay parity for retained firefighters with their whole-time counterparts. By 31st October 2003 the NJC will agree a new pay structure, for implementation on 7th November 2003, incorporating this principle and covering all existing fees and allowances. Any pay improvements resulting from this new structure will be in addition to those at paragraph 2.1.

Emergency fire control staff

- 2.3 The NJC will make arrangements for a joint evaluation of the relative job weights of the firefighters' and emergency fire control operators' jobs, taking all relevant considerations into account. The results of this evaluation will be reported to the NJC by 31st July 2003. If it is agreed that the existing 92% relationship should be improved, this will be backdated to 7th November 2002.

3 INTEGRATED RISK MANAGEMENT AND WORKING TIME ARRANGEMENTS

Integrated Risk Management Plans

- 3.1 Following recent decisions by Government, fire authorities are now required to produce Integrated Risk Management Plans. These plans will not only include the provision of appropriate cover to respond to fire and other emergencies but will also take into account other factors such as legislative and community fire safety and the training of firefighters and emergency fire control staff. Each of these issues has been the subject of detailed work by the CFBAC and there has been broad agreement between all stakeholders on the way forward.
- 3.2 The Integrated Risk Management Plan, including the determination of the number of personnel on duty at each location at different times of

day, is a decision for the fire authority, having consulted with the appropriate parties. It does not require any formal collective agreement and, as at present for Section 19 applications, cannot be a matter for the disputes procedure.

Duty systems

- 3.3 Employees currently work on one of five duty systems: shift, day crewing, retained, day duty and flexible (the shift system usually operates on a 2-2-4 basis although this is not required by the existing national agreement). These duty systems will continue to operate on the basis that employees will undertake the duties appropriate to their role and be deployed to meet the requirements of the fire authority's Integrated Risk Management Plan, including working at different locations. The basic weekly hours for the shift, day crewing and day duty systems are 42 per week (including meal breaks) and whole-time and part-time employees on those duty systems will also be free to undertake retained duties where appropriate.
- 3.4 Where the fire authority decides that alternative duty systems are needed for the delivery of its Integrated Risk Management Plan, these should be discussed with the recognised trade union, based on the following principles:
 - (i) Average 42 hours' basic week (inclusive of three hours' meal breaks in every 24 hours) for whole-timers; pro-rata for part-timers.
 - (ii) At least two periods of 24 hours free of duty every week.
 - (iii) Compliance with any relevant UK or European law, including the Working Time Regulations and Health, Safety and Welfare at Work legislation.
 - (iv) Working arrangements will have regard to the special circumstances of individual employees and be family friendly.
- 3.5 If there is no agreement between the fire authority and trade union over any alternative duty system then this difference can be referred to a Technical Advisory Panel. The Panel will be chaired by an Independent Expert (to be appointed by the two sides of the NJC), who will be assisted by the Joint Secretaries.
- 3.6 The members of the Panel will seek to broker an agreement between the parties. If that is not possible then the Panel will make recommendations. The Panel's recommendations would ensure that the duty system follows the four principles set out at paragraph 3.4 and is compatible with the deployment of resources that the fire authority has determined is necessary to implement its Integrated Risk Management Plan. This process would have to be concluded within one month of reference to the Panel, or longer with the agreement of the parties. The parties will

decide their responses to any recommendations from the Panel within fourteen days of receipt.

Part-time employees

- 3.7 This agreement provides for the introduction of part-time working for employees in all roles in the fire service. The conditions of service of part-time employees will be the same as those of whole-time employees and their pay and leave will be proportionate to the number of hours worked.

Overtime

- 3.8 Employees will be free to undertake pre-arranged overtime at premium rates of pay for no more than 24 hours per month, averaged over a six-month period. This will be on a voluntary basis. Pre-arranged overtime will not be used to make up any planned shortfall in the overall staffing levels set out in the fire authority's risk management plan. This will require the Fire Brigades Union to lift its current ban on pre-arranged overtime.

4 OTHER CONDITIONS OF SERVICE IN THE NATIONAL AGREEMENT

- 4.1 By 31st October 2003 the NJC will agree for inclusion in the Grey Book statements of commitment on:

- health and safety
- occupational health
- family friendly working arrangements

- 4.2 By 31st October 2003 the NJC will review the following parts of the Grey Book:

- fairness at work
- maternity provisions

- 4.3 By 31st October 2003 the NJC will agree a revised Grey Book, drawn up on the principle that detailed conditions of service for local application will be derived from the nationally agreed framework.

5 DISPUTES PROCEDURE

- 5.1 Locally unresolved differences over the alternative working arrangements at paragraph 3.4 can be referred to the Technical Advisory Panel in accordance with paragraph 3.5.

5.2 The NJC will review the operation of the procedure for dealing with other local disputes by 31st October 2003.

6 DISCIPLINE

6.1 If the Fire Service Discipline Regulations are abolished then the NJC will agree a procedure to take their place that takes into account the principles of the ACAS Code of Practice on Disciplinary and Grievance Procedures.

7 NEGOTIATING MACHINERY

7.1 By 30th November 2003 a working group representative of fire service stakeholders will propose revisions to the Constitution of the NJC. The report of this working group will be presented to the appropriate fire service stakeholders for ratification during December 2003.



Charles Nolda
Employers' Secretary

13th June 2003



Andy Gilchrist
Employees' Secretary

13th June 2003