

ACO Evans
Employers Joint Secretary
Merseyside Fire and Rescue Service
Service Headquarters
Bridle Road
Bootle
Merseyside
L30 4YD

Date: Monday, 13 November 2006

Ref: 'Cold Calling'.

Dear Mr. Evans,

I have received a copy of correspondence from yourself, apparently emailed to all members, dated 10th November 2006 regarding the above matter, in which you state that although the correspondence has been emailed to all Merseyside members you have faxed the correspondence to me. You will no doubt recall the recent joint secretaries' arrangement which agreement was reached in that all correspondence would be emailed to the other party rather than faxed to expedite correspondence action; you advised me that you would advise principal officers and their PA's of that arrangement. I have had to rely on my members relaying the correspondence to me rather than receiving it in the agreed manner, again I ask that you remind your contemporaries of the agreed arrangement.

Notwithstanding that point, within your correspondence you make a number of fundamental and serious allegations about the actions of the FBU within Merseyside.

Firstly, you allege that the Union has not adhered to locally agreed procedures with regard to this matter and secondly that the all members circular on the issue of cold calling constitutes unlawful industrial action.

You also clearly lay out the actions of the Service if members refuse to undertake in community fire safety activities in that you would instigate part performance and invoke disciplinary procedures against those who refuse a lawful instruction.

You are fully aware that the FBU do not object to community fire safety and fully support community fire safety strategies, indeed the Union is a co-signatory on the FBU/CACFOA protocol on CFS. FBU members undertake a wide range of CFS activities on a daily basis. Your remarks would be better served if you identified the issue of tension being solely that of undertaking cold calling. You are correct in that recent discussions have taken place within the joint secretariat with regard to easing some tension with regard to cold calling, you seem to fail to recall that I clearly advised you that the Union were looking for an interim

arrangement to allow the significant work to be able to resolve the trade dispute to take place within the agreed 21 days. You will recall that I advised you that I suspected that some of your colleagues may be using the issue of cold calling opportunistically to inhibit the work being carried out for trade dispute resolution.

On the matter of the Union disregarding locally agreed procedures, I make the following comments.

- a. On the 16th May 2005, the FBU notified the Authority of an issue that had arisen in respect of cold calling.
- b. The matter was referred to the Joint Consultation and Negotiation Panel (JCNP) on the 3rd June 2005, who reached a decision that did not resolve the failure to agree. Interestingly however, the Panel did decide that cold calling in areas of residential premises that hadn't had a fire in the previous 12 months, or if there had been a residential fire then areas of more than 3 minutes distance from that fire, then cold calling would be entirely voluntary. You seem to be in breach of that Authority decision.
- c. On the 16th May 2005, the FBU informed the Clerk to the Authority that the matter had not been resolved by the decision of the JCNP, and that the matter should then be referred to the NJC for resolution.
- d. On the 23rd June 2005, the Clerk, Mr Wright, replied apologising for the delay in responding and confirmed that the matter had been referred the NJC Joint Secretaries to seek resolution, and that he will arrange for the decision of the Panel to be referred to the Employers Joint Secretary.
- e. 14th September 2005 in a further attempt to resolve this dispute the FBU offered the service a form of words for consideration. The form of words reflected the LGA protocol and previous agreements reached between the FBU and MF&RS on this matter.
- f. 19th September 2005, you responded to the offered form of words and rather than entering into dialogue on those words, you rejected them in their entirety, thus rendering the dispute still extant.

I am aware that Mr Wright believes that as more than 20 days have lapsed since the original request for NJC assistance was made that the dispute resolution process has been exhausted. Mr Wright evidently is wrong in his assumption. If no resolution is reached within the timescale (or longer as agreed) then the matter is automatically referred to ACAS.

Unfortunately, it is you and the service that are not adhering to the locally agreed procedures.

To assist progress on this matter, the FBU is prepared to agree for further time to process this matter through the NJC Joint Secretaries for resolve.

You allege that the actions of the FBU are unlawful, given the aforementioned points I am sure you will now withdraw that allegation. Similarly I trust you will withdraw the threat of part performance and discipline as your managers are disregarding the locally agreed procedures and as such the instruction cannot be deemed lawful as they are in direct

contravention of Authority policies and collective agreements (deemed as contractual in nature) between the FBU and MF&CDA.

For clarification, the FBU remain of the position that MF&RS are acting outwith locally agreed procedures and outwith the LGA Protocol.

Finally, I am sure you will be aware that the practise of cold calling is opposed by the Trading Standards Institute (TSI) along with Age Concern, it is disappointing then that not only does MF&RS wish to implement cold calling in its purest form, it actually boasts about it in recent service publications, specifically in comments from GM McDonough.

I look forward to continuing constructive dialogue within the joint secretaries and the industrial relations review to resolve issues of tension rather than recourse in the first instance to threat by correspondence

If you require any further information please do not hesitate to contact me.

Yours sincerely

L Skarratts
Brigade Secretary