

Date: Saturday, 22 March 2008

ALL MEMBERS

CPD APPEAL GUIDANCE

Dear Brother/Sister,

Please find attached guidance Merseyside FBU has drawn up to members who have been unsuccessful in their application for CPD payments.

The guidance is intended to be as comprehensive as possible but members may wish to add to the guidance.

The advice primarily covers those who have had their application rejected as a result of discipline and absence issues but also covers those who have been deemed competent and have 5 years service since attaining that competence level. This will cover members who joined in 2001 and achieved competence within 12 months; further advice can be gained from your branch official or the FBU Office.

Further advice and guidance for those who have been promoted, either temporarily or substantively, can be found in earlier All Members Circulars. It has been agreed that members who did not apply as a result of self assessment (believing that you wouldn't get it so did not apply) will be given an opportunity to do so, a period of time will be notified you to do so.

Thanks to the Assistant Brigade Secretary, Bro Mark Rowe, in compiling this advice.

Yours in unity

L Skarratts
Brigade Secretary

Guidance Notes for Unsuccessful CPD Applicants

Members who have been unsuccessful in their CPD application, will have been informed by letter that they have been unsuccessful by virtue of one of the criteria listed as 1(a)(b)(c) through to 6. The Grey Book advises that the trade union give advice to those members who wish to lodge a grievance, that advice is contained within this document.

The appeal process for CPD non-payment is through the employer's grievance procedure and as such members who have been informed that they are unsuccessful and have their grounds for rejection identified as mentioned above (1 to 6) may wish to use this guidance for the basis of the grievance. Members should pick the most appropriate section for their purposes and though the FBU have attempted to make this guidance as comprehensive as possible, this is for guidance purposes only and members may wish to add further details.

The grounds of appeal should be based on the following elements;

- proper account was not taken of the material presented;
- account was taken of irrelevant or inaccurate factors;
- unfair treatment

For members who have had their grounds of rejections identified as:

1(a) please consider using the following form of words:

'I wish to register a grievance as a consequence of MF&RS deeming my application for CPD payments as being unsuccessful as a result of the Service stating that I did not display the required professional competence and commitment to the values of the fire and rescue service on the grounds that I have committed an act of misconduct that has resulted in a disciplinary sanction awarded against me.

In referring to the national guidance for CPD applicants I note that there is no mention of any discipline sanction being an automatic disqualification for CPD and as such I view the rejection of my CPD application as a further sanction that I was unaware of at the time of my disciplinary process, I believe that to be unfair treatment.

Further I do not believe that proper account was taken of the material I presented to demonstrate I meet the required standards of National Standard (i) i.e. 'effective organisation of work to meet the demands of my role' and my 'commitment to health and safety requirements'.

Finally I note that the Service has stated that I have failed in my commitment to the values of the fire and rescue service yet I can find no reference to this requirement

within the national guidance and as such I believe account was taken of irrelevant or inaccurate factors.

My grievance will be resolved by MF&RA upholding my appeal and accordingly consider my application for CPD as now being successful with the associated payment of my CPD.'

1(b) please consider using the following form of words:

'I wish to register a grievance as a consequence of MF&RS deeming my application for CPD payments as being unsuccessful as a result of the Service stating that I did not display the required commitment to the job and commitment to achieving high levels of attendance.

I challenge this decision with reference to the following document 'Continual Professional Development (CPD) Frequently Asked Questions' issued by Local Government Employers to all Fire Authorities by the Employers' Secretariat which states-

4. Payments

Question

In the guidance which accompanies the scheme it mentions that a satisfactory level of attendance should be achieved. Does this mean that a CPD payment will automatically not be made if excessive sick leave has been taken?

Answer

No. The purpose of the CPD scheme is to recognise and reward experienced employees who can demonstrate continual professional development over and above that required at competent level for each of the national standards set out in the scheme. The criterion applying to high levels of attendance is one of a number of criteria under one of those national standards - commitment to the job. It should not be the only consideration upon which a decision is made to award, or not award, a CPD payment.

I can provide a copy of that document if so required.

In light of the evidence above (being the National Guidance on CPD) it is clear that attendance should not be the only consideration for non-payment. Your decision then is contrary to national guidance given by the employers to the employers.

Accordingly I do not believe that proper account was taken of the material I presented to demonstrate I meet the required standards of National Standard (ii) i.e. 'commitment to achieving my fire and rescue service objectives' and commitment to personal and professional development'.

My grievance will be resolved by MF&RA upholding my appeal and accordingly consider my application for CPD as now being successful with the associated payment of my CPD.'

1(c) please consider using the following form of words:

'I wish to register a grievance as a consequence of MF&RS deeming my application for CPD payments as being unsuccessful as a result of the Service stating that I did not display the required level of relations with the public and colleagues and contributing to the Authority's objectives, recognising the needs of all relevant communities.

I do not believe that proper account was taken of the material I presented to demonstrate I meet the required standards of National Standard (iii) i.e. 'promoting equality, diversity and human rights in working practises' and 'working as part of a team'.

My grievance will be resolved by MF&RA upholding my appeal and accordingly consider my application for CPD as now being successful with the associated payment of my CPD.'

2 please consider using the following form of words:

'I wish to register a grievance as a consequence of MF&RS deeming my application for CPD payments as being unsuccessful as a result of the Service stating that I am not eligible for a payment under the scheme for the year ending 1st July 2007 as I had not served the minimum period of time following attainment of 'competent' level in my role. You state that at firefighter (or control level) this minimum period is 8 years.

The national agreement with regard to CPD states that employees covered by the NJC's Scheme of Conditions of Service (Grey Book) who have served the minimum period of time following attainment of 'competent' level in their respective role (Firefighter to Area Manager and control equivalents) may apply for this payment. At Firefighter (or Control equivalent) the minimum period shall be five years. As such the Service has not taken proper account of the material I presented and that account was taken of irrelevant or inaccurate factors.

I can confirm that I am eligible by virtue of the above.

My grievance will be resolved by MF&RA upholding my appeal and accordingly consider my application for CPD as now being successful with the associated payment of my CPD.'

All other factors in rejecting CPD applications should be resolved as a result of agreements reached between the joint secretaries, but in the interim period the FBU

advise that all members register their appeal by lodging the grievance as per the agreed procedures.

Members will be aware of ongoing dialogue between the FBU and MF&RS which is hoped will resolve the outstanding issues of discipline and absence, but members are advised to register the grievance now as there is a time limit of 3 months from the date the decision is given to you within your letter.