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

**To: Chairs of Fire Authorities/PFCCs/Deputy Mayors
Chief Fire Officers
Clerks to Fire Authorities
Directors of Human Resources
Members of the National Joint Council**

12 August 2025

Dear colleague,

**PUBLICATION OF THE NATIONAL JOINT COUNCIL FOR BRIGADE MANAGERS OF
FIRE AND RESCUE SERVICES CONSTITUTION AND SCHEME OF CONDITIONS OF
SERVICE (GOLD BOOK) - SIXTH EDITION**

1. We write to inform you that following several months of joint working, the NJC has now published the 6th edition of the NJC for Brigade Managers Constitution and Scheme of Conditions of Service (the Gold Book).
2. This 6th edition is mainly a technical update which achieves the following aims:
 - Updates and modernises some of the language used (for example removing gender pronouns)
 - Updates/removes any inaccuracies, for example where legislation has changed
 - Updated references to the Grey Book following publication of the 7th edition in April 2025
3. However, in addition, a further two changes were also agreed as part of this process:
 - Appendix D has been updated and renamed as '**Guidance on the management of disciplinary, capability and grievance procedures**'. The guidance has been written to align with the Acas Code of Practice on Disciplinary and Grievance Procedures but provides further guidance on matters which might be considered as unique to fire and rescue services.
 - The addition of a new paragraph in the preface which recognises those who have arrived at Senior Leadership via other sectors or non-operational roles. The new paragraph is provided below for ease of reference:

'The NJC also recognises there are increasingly different routes into Senior Leadership in Fire and Rescue Services and that Brigade Manager roles, and therefore Gold Book terms and conditions, should not be confined to those senior leaders who arrived via what may be considered the traditional career pathway. The NJC recognises that there is growing diversity in what determines a Brigade Manager, and that Fire Service leaders can come from a range of professional backgrounds'.

4. Online versions of the 6th edition of the Gold Book will be available via the LGA Workforce and FLA websites.
5. If you have any queries about this circular, please contact firequeries@local.gov.uk

Yours faithfully,

SARAH WARD
GLYNN LUZNYJ
Joint Secretaries

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

**CONSTITUTION AND SCHEME
OF CONDITIONS OF SERVICE**

**SIXTH EDITION
2025**

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PREFACE TO THE SIXTH EDITION

2025

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 sixth 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 employer.

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, diverse and inclusive workforce. Fundamental to the achievement of this aim is the leadership of local fire and rescue employers and their Brigade Managers through the promotion and demonstration of the UK fire service core values as described in the National Framework document (including the Core Code of Ethics for Fire and Rescue Services - England).

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 employers and their Brigade Managers through the provision of an environment that encourages each Brigade Manager to maximise their potential and contribution.

The NJC also recognises there are increasingly different routes into Senior Leadership in Fire and Rescue Services and that Brigade Manager roles, and therefore Gold Book terms and conditions, should not be confined to those senior leaders who arrived via what may be considered the traditional career pathway. The NJC recognises that there is

growing diversity in what determines a Brigade Manager, and that Fire Service leaders can come from a range of professional backgrounds.

* Brigade Managers describes those employees who are the senior operational leaders 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	14
Local Authority Fire and Rescue Services	

Employees' representatives

Fire Leaders Association (FLA)	14
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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 their 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	6
Local Authority Fire and Rescue Services	

Employees’ representatives

Fire Leaders Association (FLA)	6
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In the event of a member being unable to attend a meeting, their 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 Employees’ 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 their 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 Employees' Side a Secretary shall be drawn from each of the recognised trade unions. In the event that a Joint Secretary is a member, they 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 calendar 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 calendar 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.
2. Fire and rescue employers 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.
3. Selection arrangements are a matter for each fire and rescue employer, 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 play in promoting, explaining, implementing and monitoring the Service's Fairness and Dignity at Work policy (or equivalent) within their own service.
5. The NJC strongly encourages fire and rescue employers 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 unlawful 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 age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation or trade union membership. In Northern Ireland it is also unlawful to discriminate on the grounds of political opinion.

- b) fire and rescue employers should ensure non-discriminatory practices prevail in all areas of employment and working practices including recruitment, training and assessment, development and selection; and
- c) fire and rescue employers should take lawful positive action within their employment initiatives to achieve and maintain a workforce representative of the communities they serve.

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 employer.

Advice to political groups

- 8. A Brigade Manager may, but shall not be required to, advise any political group of the fire and rescue employer, either as to the work of the group or the work of the employer, and attend meetings of any political group. Where a Brigade Manager advises a political group on a particular matter, they 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 fire and rescue employers.
- 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 as comparators and the rate of inflation at the appropriate date. Any increase agreed by the NJC will be communicated to employers 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 employer, 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 employer 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 employer 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 Brigade Manager's entitlement on the first day of absence the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.
17. Fire and Rescue employers 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 off-set against the other for the purpose of calculating any entitlement to pay 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 employer.

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 employer, 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 employer. This will include not divulging any information to any third party that is confidential to the fire and rescue employer.

Indemnification of employees to undertake authorised tasks

24. The Local Authorities (Indemnities for Members and Officers) Order 2004, gives a specific power to employers to grant indemnities to cover the potential liability of members and employees. Fire employers 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 geographical areas.

Pecuniary interest

25. If it comes to the knowledge of a Brigade Manager that a contract in which they have any pecuniary interest, whether direct or indirect (not being a contract to which they themselves are a party), has been, or is proposed to be, entered into by the fire and rescue employer, they shall, as soon as practicable, give notice in

writing to the fire employer of the fact that they are 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 employers 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 employer should ensure that it has arrangements in place to enable that grievance to be heard.
29. Guidance 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 employer should refer to the relevant minimum salary of the Chief Fire Officer and the most relevant benchmark data.
3. Normally the fire and rescue employer will wish to begin by determining the 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 employers 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 employers;
 - f. Top management structures and size of management team compared to those of other fire and rescue employers 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 employers
- 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 employers to use in assessing job size. To assist employers, advice can be obtained from the Employers' Side Secretary of the NJC.

WORKFORCE PLANNING

5. Fire and rescue employers 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-border resilience requirements.

In determining the appropriate structure, employers 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.

Employers 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 employer will need to consider what the relevant grades will be and how best to recruit to the new posts in accordance with the appropriate recruitment and equalities policies.

Where the changes to the organisational structure will lead to a reduction in the staffing complement, employers 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 employers 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 employer 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 employer.
 - b. Equality and Human Rights Commission (EHRC) 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 employer 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 and the standards of behaviour expected from them; 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) employer member(s) representing the Fire and Rescue employer.

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 the Brigade Manager 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 their 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 Employers' Secretary at the Local Government Association
- The Employees' Side Secretary at the Fire Leaders Association (FLA)

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

CONTENTS OF GREY BOOK	APPLIES OR DOES NOT APPLY TO GOLD BOOK EMPLOYEES
Preface	Does not apply
Section 1 - Fairness and dignity at work	Does not apply (except as specified in the Gold Book)
Section 2 - Roles and responsibilities	Does not apply
Section 3 Part A - Hours of duty and duty systems	Does not apply
Section 3 Part B - Pay	Does not apply
Section 3 Part C - Leave	Sections applicable to Area Managers do apply (incl. general provisions, public holidays, trade union facilities and leave for public duties). Any sections concerning staff on the retained duty system, staff below Area Manager, and end of course leave do not apply
Section 3 Part D - Maternity, childcare and dependency	Does apply
Section 3 Part E - Allowances and reimbursements	Paragraphs 1-11 do apply; paragraphs 12 onwards do not apply
Section 4 Part A - Health, safety and welfare	Does apply
Section 4 Part B - Occupational health	Paragraphs 1-8 and 15 onwards do apply. Paragraphs 9-14 do not apply
Section 5 Part A - Grievances	Does not apply
Section 5 Part B - Conduct, capability and discipline	Does not apply
Section 5 Part C - Local consultation and negotiation	Does not apply

Section 6 - Miscellaneous conditions	Paragraphs 4-9 do apply, paragraphs 1-3 and 10 onwards do not apply
Appendix A - Guidance on grievance and disciplinary procedures	Does not apply
Appendix B - Interim and protection arrangements	Does not apply
Appendix C - Explanatory notes	Does not apply
Appendix D - Continual Professional Development Scheme	Does not apply
Appendix E - Constitution of the NJC and MMNB	Does not apply
Appendix F - "Working Together" A Joint Protocol for good industrial relations in the fire and rescue service	Does not apply
Appendix G - Table of circulars incorporated into the 7th edition (September 2004 to December 2024)	Does not apply

GUIDANCE ON THE MANAGEMENT OF DISCIPLINARY, CAPABILITY AND GRIEVANCE PROCEDURES

The following guidance has been agreed through the National Joint Council for Brigade Managers (the 'NJC') to support the handling of disciplinary and capability matters concerning Brigade Managers, as well as grievances raised by them.

Brigade Managers are defined as those who are employed under the NJC for Brigade Managers of Fire and Rescue Services Constitution and Conditions of Service (the 'Gold Book').

The Acas Code of Practice on Disciplinary and Grievance Procedures clearly sets out the minimum standards expected of employers when running disciplinary/capability and grievance procedures, including the key stages of the process and the rights of the employee. There is also associated guidance available on the Acas website.

The NJC recognises that there are different models of Fire and Rescue employers with differing governance arrangements, and that running procedures for Brigade Managers (as the most senior employees within Fire & Rescue Services) is challenging and complex. Therefore, when developing local procedures there will be aspects which need careful consideration so that they work in both a practical sense and also comply with the Acas code.

Fire and Rescue employers may choose to follow the procedures set out in the Local Authorities (Standing Orders) (England) Regulations 2001, which include specific provisions for disciplinary action against local authority Heads of Paid Service - even where there is no statutory obligation to do so.

An additional complexity is that the Gold Book contains a provision that Brigade Managers should be treated no less favourably than a Grey Book Area Manager in relation to disciplinary and grievance issues. This means that procedures must also be cross-referenced with the Grey Book.

This guidance has been developed to support these matters by highlighting areas the NJC believes may require particular attention and planning before any issues arise.

1. Ensure written policies and procedures are in place

Employers should have written policies and procedures which apply to and include Brigade Managers. These policies and procedures should be in place before any issues arise and ensure there is as much consistency as possible in disciplinary and grievance procedures across different groups of employees (for example timescales, levels of sanction and length of time such sanctions remain on-file).

2. Adherence to the Acas code of practice

Employers must ensure that procedures adhere to the Acas Code of Practice on Disciplinary and Grievance Procedures, which sets out the minimum standards expected of an employer dealing with such issues.

3. Ensure no less favourable treatment compared to Area Managers

Employers must ensure that policies and procedures that apply to Brigade Managers are no less favourable than those which apply to an Area Manager employed under the NJC for Local Authority Fire and Rescue Services Scheme of Conditions of Service (the 'Grey Book'). Therefore, it is important to cross reference against both the Grey Book (which contains maximum lengths of time a formal warning should remain 'live') and the service's own policies and procedures relating to Grey Book staff.

4. The role of core values and the core code of ethics

Brigade Managers are expected to uphold the highest standards of conduct and consistently embody the personal qualities and attributes befitting a senior public servant.

Each employer will have a set of core values which are the guiding principles that shape the culture, decision-making, and overall direction of the Fire and Rescue service. Brigade Managers must uphold these values themselves and also take prompt and fair action when issues arise with others. Failure to do may be a disciplinary issue in itself.

In addition, a national Core Code of Ethics for Fire and Rescue Services in England has been jointly developed by the National Fire Chiefs Council (NFCC), the Association of Police and Crime Commissioners (APCC) and the Local Government Association (LGA), to support a consistent approach to ethics and behaviour. Employers in England may expect that Brigade Managers will adhere to this code. Employers in Scotland, Wales and Northern Ireland should ensure that an equivalent code of ethics is in place locally.

5. Establish levels of authority and who will be responsible for the different stages of the procedure

The Brigade Manager's position in the hierarchy of the FRS must be taken into account when determining who has responsibility for dealing with the various stages of the procedure. It is important that individuals involved at each stage of the procedure have not been involved at a previous stage.

The following are examples of the areas which need careful consideration to determine how each stage of the procedure will work:

Disciplinary and capability issues

- Who will commission an investigation, decide whether there is a case to answer and whether a formal hearing is necessary
- Who will conduct the investigation
- Who will carry out a suspension risk assessment and (If applicable) suspend the individual
- Who will hear the disciplinary case and make decisions about disciplinary action
- Who will hear the appeal
- Who will provide HR and/or legal advice to the employer
- Where will meetings take place
- How will support be provided to the Brigade Manager and any other employees involved in the process

Grievance issues

- Who will receive the grievance from the Brigade Manager
- Who will commission an investigation
- Who will conduct the investigation
- Who will hear the grievance and make decisions about resolutions
- Who will hear the appeal
- Who will provide HR and/or legal advice to the employer
- Where will meetings take place
- How will support be provided to the Brigade Manager and any other employees involved in the process

Where elected members are to be involved at any stage of the process then, depending upon the particular governance arrangements, consideration should be given as to whether a formal committee meeting should be convened with requisite notice etc. or whether decisions short of a full hearing can properly be delegated to an appropriate officer in consultation with the relevant member.

6. Resolve issues internally where possible and seek outside assistance where necessary

While the Acas code of practice recommends that employers and employees should always seek to resolve disciplinary and grievance issues in the workplace, this may be challenging at this level within a FRS. Therefore, employers may consider using an independent third party to help resolve the problem. This could be a mediator or someone to carry out an independent investigation. However, responsibility for decision making must remain internally with the employer.

7. Resolve issues informally where appropriate to do so

Many potential disciplinary or grievance issues can be resolved informally, particularly where there is an established performance management process in place which includes regular one-to-one meetings. A judgement needs to be taken on a case by case basis, based on consistent expectations of professionalism and standards of behavior.

8. Ensure fairness and transparency

Brigade Managers should be treated fairly, and processes should be clear and transparent. With disciplinary and capability matters the principles of natural justice should apply, where the individual is informed of the issue being raised about them and then given the opportunity to put their case in response before any formal decisions are made.

9. Confidentiality

All parties involved in disciplinary, capability or grievance procedures are expected to maintain confidentiality throughout the process. However, in cases of alleged misconduct, it may be necessary to share relevant information with appropriate authorities, such as the police (if a criminal offence is suspected). In matters involving bullying, harassment or victimisation, individuals raising concerns may be given assurance that their complaint has been taken seriously, that a fair and transparent process has been followed, and that any necessary actions will be implemented.

10. Act promptly

Employers and Brigade Managers should raise and deal with issues promptly. This can be challenging when dealing with senior people as diaries are often full months in advance. Whilst there can be some leeway in recognition of this, all parties need to commit to giving these issues the highest priority and should not unreasonably delay meetings, decisions or confirmation of those decisions.

11. Consistency

Whilst each case should be judged on its own merits, employers should act consistently when dealing with issues. Everyone—regardless of role—should be held to the same high standards of conduct.

12. External support for investigations

It is important to establish the facts before taking formal action. In many cases it will be necessary to commission an external, suitably trained and experienced person to conduct the investigation on behalf of the employer.

Employers may wish to use the procedures for appointing an external investigator as laid out in the JNC for Local Authority Chief Executives National Salary Framework and Conditions of Service Handbook, the key principles of which are detailed here for ease of reference:

- The Local Government Association (LGA) will maintain a list of potential Independent Investigators, who have been selected for their suitability and experience.
- Independent Investigators on that list will be offered on a ‘taxi-rank’ basis subject to their availability within the desired timescales and providing they have no material connections with the employer or the employee nor any connection to the allegations.
- The employer will approach the LGA and will be supplied with the top three names from the list (if in exceptional circumstances three names are not available, both local parties will agree to choose from a shorter list).

- If these are acceptable to the employer, the employee will be invited to select one of the names. The only acceptable reason for not selecting from the names supplied being conflict of interest.
- If an appointment is not agreed by the employee within 14 calendar days of the date of the names being supplied, the employer will select an Independent Investigator from the names supplied.
- The Independent Investigator should be provided with the terms of reference for the investigation and given:
 1. details of the precise allegation(s) or issue(s) to be investigated and the names of any witnesses
 2. access to sources of information and people identified as relevant to the case
 3. expectations regarding timescales and any known factors which could hinder their investigation, e.g. the availability of key people
- It is for the Independent Investigator to determine the procedure for the investigation.
- It is recommended that the employer designates an officer to assist the Independent Investigator in accessing appropriate information/witnesses within the service.
- Once appointed it will be the responsibility of the Independent Investigator to investigate the issue / allegation and to prepare a report:
 1. stating in their opinion whether (and, if so, the extent to which) the evidence they have obtained supports any allegation of misconduct or other issue under investigation; and
 2. to recommend if the matter should proceed to a disciplinary hearing.

Once complete the investigation report should be given to the employer who will then decide whether to accept the investigator's recommendation(s) and the appropriate next steps to take.

13. The right to be accompanied

Brigade Managers have a statutory right to be accompanied by a companion (someone they work with, a trade union representative or a trade union official) at all formal stages of the procedure (including any appeal).

Employers should extend this right to be accompanied to all parts of the process (including informal stages and investigations meetings) if this principle is contained within their local procedures for Area Managers.

14. Suspension

In some cases, it may be necessary to suspend a Brigade Manager from the workplace while an investigation or preparation for a disciplinary hearing takes place. The employer should carry out a robust risk assessment to determine if suspension is necessary.

All decisions regarding suspension should be made with careful consideration, balancing the service's duty to protect organisational integrity and public confidence with the reputational risks associated with public scrutiny and the impact of this on the individual. Any decision regarding senior officers, with the attendant public profile and leadership responsibilities, should be taken just as carefully.

Suspension should never be viewed as a presumption of guilt, but rather as a neutral act to enable a fair and transparent process. Where appropriate, alternatives to suspension should be explored, and any decision to suspend must be proportionate, time-limited, and subject to regular review.

The employee should be informed of the reasons for the suspension and that they will be required to participate in investigative meetings and possibly a disciplinary hearing. Throughout the period of suspension, the welfare of the individual must be supported, with clear communication and access to appropriate wellbeing resources.

Where a Brigade Manager is suspended, they should 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 employer should continue to pay the individual the full rate of normal pay.

15. Reasonable adjustments

Procedures need to be carried out in a way that is inclusive of all Brigade Managers. If an individual requires reasonable adjustments in line with the Equality Act 2010 to enable them to fully participate in the relevant procedures, this should be accommodated.

16. The right to appeal

Procedures must include the right for Brigade Managers to appeal against any formal decision made. The individuals involved in hearing an appeal should not have had involvement in an earlier stage of the procedure (as per paragraph 5 above). Therefore, employers will need to ensure they have the appropriate levels of appeal hearing managers or committees already in place, should the need arise.

17. Keeping written records

Employers should keep a written record of any disciplinary or grievances cases in accordance with local data retention policies. Brigade managers should be provided with written copies of evidence and relevant witness statements before any disciplinary meeting take place and are entitled to see any written records that relate to them. Consideration needs to be made in relation to where such records will be stored and who will have access to them.

18. Support to all involved

Disciplinary and grievance process can be stressful for everyone involved. Raising a grievance or being subject to disciplinary action can cause distress and affect mental health. Employers should also be aware that there can be significant wider public or press interest in cases being heard at this level, which is another potential stressor for those involved.

Therefore, it is important that employers ensure that support is provided to all parties involved in such processes, including Brigade Managers. Support could include resources such as occupational health, an Employee Assistance Programme, and/or counselling services.

19. Criminal offences

If a Brigade Manager is charged with, or convicted of a criminal offence this is not necessarily in itself reason for disciplinary action. Careful consideration needs to be given to what effect the charge or conviction has on the Brigade Manager's suitability to do the job and their relationship with their employer, work colleagues and the public. However, in situations where an employer determines that a criminal offence does meet the threshold for disciplinary action, it should be heard with the same consistency as expected with any disciplinary process.

20. Bullying, harassment or whistleblowing issues

Employers may wish to deal with issues involving bullying, harassment or whistleblowing under separate procedures but should ensure those procedures are written to include Brigade Managers and comply with the Acas Code of Practice on Disciplinary and Grievance Procedures.

21. Overlapping grievance and disciplinary cases

Where a Brigade Manager raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.