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**Merseyside Fire and Rescue Authority's IRMP**

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## Foreword

The Fire Brigades Union (FBU) is the democratic, professional voice of firefighters, control staff and other workers within Merseyside Fire and Rescue Service. We represent the majority of operational firefighters and control staff within MFRS as well as across the UK.

Merseyside Fire and Rescue Service (MFRS) is the statutory fire and rescue service for Merseyside and is administered by the Merseyside Fire and Rescue Authority.

Merseyside is made up of some significantly deprived areas as well as some less socio-economically challenged. Merseyside is a diverse, vibrant county with a proud industrial history.

The FBU has over 100 years of experience in representing workers in our industry, we strive to ensure our members are skilled at their craft and that their voices are heard; it gives the FBU no pleasure whatsoever to inform the reader that in its history that this MFRS (not the fire and rescue authority of which we will expand in more detail throughout this document) is the most anti trade union service the Union has had to deal with anywhere in the UK Fire and Rescue Service.

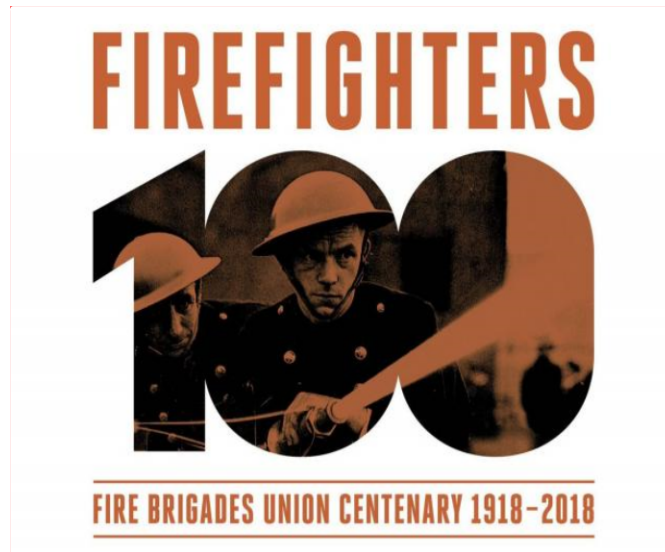
The reader will note that despite the Integrated Risk Management Plan (IRMP) being a consultation document, and that the FBU represents what can be described as **the** key stakeholder within MFRS, that there is not one single mention of the FBU in the entire document.

The IRMP seeks to extend working practises that are not agreed and are worked under contracts of

employments that are simply unacceptable, have never been to subject of any negotiation with the FBU whatsoever and are entirely in breach of our joint trade union and employers national agreement, the National Joint Council for Local Authority Fire and Rescue Services Scheme of Conditions of Service (The Grey

Book); that despite that MFRA is a constituent member of that National Joint Council (NJC).

The Fire Brigades Union hopes that the elected members of the fire and rescue authority, other locally elected councillors and Members of Parliament who are interested in the fire and rescue service and its employees will take this opportunity to correct a travesty and ensure that the people who work in the fire and rescue service and who risk their lives on a daily basis along with their representative body are treated with the respect they deserve.



## Executive Summary

The FBU support significant areas of this IRMP but regrettably cannot support areas of the Plan as we have explained in this response document as we believe it compromises public safety such as ludicrously slow response standards which does not challenge MFRS to get to fires and other incidents as quickly as could be possible.

Furthermore, the FBU do not believe that other stakeholders such the communities we represent and politicians both local and national would

support the proposals, resisted by the FBU, if properly explained.

All references made by the FBU in this response is taken from Government data and/or statistics. All information will be referenced to the parent document for the reader to scrutinise this response which will inevitably be opposed by the Service.

### The FBU make the following recommendations:

*The Government is determined to silence the FBUs voice in the FRS and end collective bargaining. It has signalled that it is seeking to reform how we negotiate with our employers and to increase the powers of Chief Fire Officers to that of Chief Constables, reducing the role of the fire and rescue authority significantly and giving the CFOs a free hand to achieve what they wish not what is best for the worker.*

- **Recommendation 1 – Merseyside Fire and Rescue Authority (MFRA) must not be seen to assist in this Tory led attack on firefighter and control members working lives and terms of conditions and the FBU seek that MFRA instruct MFRS to act within locally and nationally agreed procedures at all times. (Page 5)**

*Regrettably MFRS has embarked on a strategy to bypass the FBU in terms of negotiations and have employed firefighters and control staff on contracts that they know are lesser contracts than those already in service as those had been subject to the normal negotiations through agreed industrial relations processes (MFRS getting what it desires rather than achieving via negotiations (see above)). This contract gives absolute authority for the Chief Fire Officer to change our members working life without having to have dialogue with the representative bodies nor seeking the employee's agreement. (Appendix 1&2)*

- **Recommendation 2 – The FBU seek that MFRA give demonstrable support to the industrial relations machinery within MFRS, particularly the local joint secretaries' arrangement, and insist MFRS abide by all local and national agreements. (Page 6)**

*The tragic Grenfell Tower fire demonstrates how and why fire and rescue service fire safety departments are so important given the devastating deregulation of the building and construction industry. The FRA is the enforcing authority that should stop another Grenfell Tower type fire from ever happening again but the cuts agenda by Government have also affected fire safety numbers.*

- **Recommendation 3 – It is clear that investment is required to support the fire safety department and the FBU propose a joint lobbying approach with the authority to Government to seek that sustainable investment so as we can provide a fire and rescue service the people of Merseyside can be proud of. (Page 17)**



*It is a sad reflection of how public service budgets have been decimated when support staff workers are paid below the living wage.*

- **Recommendation 4 – The FBU formally proposed that all those workers in MFRA paid less than the living wage have their wages increased in line with that living wage as a matter of urgency. This to reflect local authority political positions and in line with the Liverpool City Region Combined Authority. (Page 17)**

*As referred to above the issue of non-agreed contracts of employment remains one of the most damaging disputes the FBU have registered with MFRS and which are in breach of the agreed procedures the FBU have agreed with the Authority (**available on request**). The FBU continue to seek resolution but there is no indication or indeed evidence that the service is invested in decent industrial relations.*

- **Recommendation 5 – That MFRA instruct MFRS to immediately return to the dispute resolution process involving the National Joint Council Joint Secretaries to assist in seeking urgent resolution to this significant dispute. (Page 17)**

*This FBU response document explains the issues the FBU have identified in this IRMP in terms of equality, diversity and inclusion.*

- **Recommendation 6 – The FBU formally proposes the creation of a FBU/MFRS Joint Working Party which would include the authorities' equality champion/portfolio holder to examine the issues raised by the FBU and to undertake an equality audit of policies, procedures and the estate of the authority to ensure the highest levels of EDI. (Page 20)**

## Context

To put the difficult relationship with MFRS in context the FBU remind the reader of the ground breaking Tri-Partite Agreement reached in March 2020 onwards. Those agreements paved the way for a huge amount of work undertaken under agreement with the FBU, the FRS National Employers and the National Fire Chiefs Council (NFCC). That work was underpinned by risk assessments that was agreed by all three parties and ensured, as much as was possible that the activities were carried out as safe as was possible. The Covid work activities undertaken under the Tri Partite negotiations were:

- Ambulance Service assistance: Ambulance Driving and Patient/Ambulance personnel support limited to current competence (Not additional FRS First or Co-Responding)
- Vulnerable persons – delivery of essential items
- COVID-19 – Mass casualty (Movement of bodies)
- Face Fitting for masks to be used by frontline NHS and clinical care staff working with Covid-19 patients
- Delivery of PPE and other medical supplies to NHS and care facilities
- Assisting in taking samples for Covid-19 antigen testing
- Driving ambulance transport not on blue-lights (excluding known Covid-19 patients) to outpatient appointments or to receive urgent care
- Driving Instruction by FRS driver trainers to deliver training for non-Service personnel to drive ambulances (not on blue-lights)





## Initial Submission to MFRS IRMP

- The assembly of single use face shields for the NHS and care work front line staff
- Packing/Repacking food supplies for vulnerable people
- Known or suspected Covid-19 Patients: transfer to and from Nightingale hospitals under emergency response (blue light) or through non-emergency patient transfer (not on blue lights)
- Non-Covid-19 Patients: Transfer to and from Nightingale hospitals under emergency response (blue light) or through non-emergency patient transfer (not on blue lights) – this includes recovering and recuperating patients no longer infected with Covid 19

Shockingly the fire and rescue service employers, advised by the NFCC, took the appalling and irresponsible decision to terminate all the agreements on the 13<sup>th</sup> January 2021, unilaterally undoing months of joint work and unacceptably compromising public and firefighter safety.

To attempt to resolve this poorly judged decision the FBU has tried to replicate those agreements locally in Merseyside with MFRS in order to continue to facilitate the Covid work listed above through the local joint secretaries' arrangements. Unfortunately due to the services adversarial attitude this was without success.

The rationale for such an unusual and counter-productive move by the fire and rescue service employers and the NFCC may lie in the gratuitous and quite frankly politically motivated attack from Her Majesties Inspectorate for the Constabulary and Fire and Rescue Services (HMICFRS) who criticised the FBU, without evidence, for delaying Covid work.

This is utter nonsense but it did fuel the drive from the Home Office to state it was to produce a White Paper on FRS Reform, potentially impacting on the Unions right to collectively bargain for our



## Merseyside Fire Brigades Union

- Delivery of pre-designed training packages on Infection Prevention and Control, including hand, hygiene, PPE 'donning' & 'doffing' guidance and procedures; and supporting the care home staff testing i.e. to train care home staff to train others according to the principle of 'train the trainers.'
- Delivery of pre-designed training packages on Infection Prevention and Control, including hand, hygiene, PPE 'donning' & 'doffing' guidance and procedures; and supporting the care home staff testing i.e. direct to care home staff.
- Checking that potential higher risk premises are Covid-secure
- Assistance to public sector organisations to support the effectiveness of official contact, track and tracing initiatives.

members and has the effect of gifting unfettered power to the Chief Fire Officers similar to Chief Constables.

Consequently, the FBU respectfully ask the reader to ask themselves why would MFRS agree locally with the FBU to undertake life-saving Covid work, as we had done so from March 2020 and until the employers walked away from all the agreements reached, when the Conservative Government have indicated they would play their part in a huge power grab by the NFCC and give the CFOs the power to get what they desire.

What the FBU cannot fathom is the Government seem keen to give the leaders of an organisation (NFCC) which both Government and the HMI have identified as failing FRSs to the point of requiring statutory reform.

It also seems to the FBU that all the disregards to the National Joint Council for Local Authorities Fire and Rescue Services (NJC) procedures and the national terms of conditions of service by MFRS, undermining the FBU and our members, is in preparation for the possible outcome of the Reform.



**Recommendation 1 – Merseyside Fire and Rescue Authority (MFRA) must not be seen to assist in this Tory led attack on firefighter and control members working lives and terms of conditions and the FBU seek that MFRA instruct MFRS to act within locally and nationally agreed procedures at all times**

## 1. INTRODUCTION

The Fire and Rescue National Framework for England requires Fire and Rescue Authorities to undertake and produce an IRMP which must

- Reflect up to date risk analyses including an assessment of ***all foreseeable fire and rescue related risks*** that could affect the area of the authority, (FBU emphasis)
- Demonstrate how prevention, protection and response activities will best be used to prevent fires and other incidents,
- Outline required service ***delivery outcomes including the allocation of resources for the mitigation of risks***, (FBU emphasis)
- Set out its management's strategy and risk based programme for enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005,
- Cover at least a three year time span,
- Reflect effective consultation throughout its development and at all review stages with the community, its workforce ***and representative bodies*** and partners, and; (FBU emphasis)
- Be easily accessible and publicly available.

It may surprise the reader on reading the IRMP that there is not one single mention of the Fire Brigades Union whatsoever, neither as a stakeholder or a partner, even in the section where the National Framework is explained it removes the mention of representative bodies<sup>i</sup>.

This epitomises this Services view of the FBU and trade unions both locally and nationally.

MFRS currently operate with a significant portion of the workforce, roughly 50%, who are employed on contracts of employment that have not been the subject of the collective bargaining process and not agreed by their unions, they have been imposed upon those newer firefighters and control room operators. MFRS may try to explain this is on an offer and accept basis, but most reasonable people understand that those who seek a career in the FRS would not, and should not scrutinise their contracts to ensure they were appropriate and comparable contracts with all other MFRS firefighters, sadly they are not.

For firefighters and control room operators to work under terms and conditions that have not been the result of collective bargaining and which are utterly determined by the employer represents the very worst practises of the private sector and will inevitably lead to worse terms and conditions (which it does), worse health and safety outcomes and poorer productivity and morale; a view not just of the trade union movement but also of the Organisation for Economic Co-operation and Development (OECD).<sup>ii</sup>

It remains a source of shame to the FBU that such a situation should exist in a Labour Party controlled Authority in a region with a rich and proud industrial heritage.

**Recommendation 2 – The FBU seek that MFRA give demonstrable support to the industrial relations machinery within MFRS, particularly the local joint secretaries' arrangement, and insist MFRS abide by all local and national agreements.**

**The Fire Brigades Union provides comments on the Authorities proposed plan as follows:**

**2. MISSIONS AND AIMS**

This section of the IRMP refers to the mission of MFRS as being for Safer, Stronger Communities – Safe, Effective Firefighters; this being a mission statement the FBU can fully support.

The aims of MFRS have been broken down to the following:

**1. Excellent Operational Preparedness**

MFRS profess to provide firefighters (and control staff) with the training, information, procedures and equipment to ensure we can safely and effectively resolve all emergency incidents and whilst that is a claim the FBU fully support it can only occur with the fullest engagement with the FBU. The formulation of policies and procedures in consultation with the FBU will provide for the safest and most effective systems with complete buy in from the staff we represent. Sadly, currently that seems to be lost on some MFRS managers who do not appear to acknowledge the benefits of engaging with the representative bodies on such issues as policies, safe systems of work and contracts of employment.

**2. Excellent Operational Response**

MFRS claim to maintain its excellent emergency response across Merseyside with safety and effectiveness at its core. This is one area where the FBU and MFRS remain distinctly and distantly apart. We will expand on this at the relevant section of the document.

**3. Excellent Prevention and Protection (Legislative Fire Safety)**

The aftermath of the Grenfell tragedy and the recommendations of the Inquiry along with the lack of any real intervention by the Government means that legislative fire safety is as important as ever and the FBU support the MFRS in this statement.

**4. Excellent People**

MFRS claim that they will develop and value all MFRS employees, respecting diversity, promoting opportunity and equality for all. The FBU fully support that aspiration yet regrettably MFRS have demonstrably failed in this regard. There can be no equality for all when some firefighters have different and worse terms and conditions than their colleagues working next to them and whilst facing the very same risks.



## ABOUT MERSEYSIDE

The FBU support all that MFRS depict in this section and notes that the population of Merseyside has grown by 3.5% since the 2011 census.

The FBU agrees with MFRS in that Merseyside is one of the most deprived areas in England and reminds the Service that Liverpool is the local Authority with the most deprived areas in England with Fazakerley, Warbreck, Norris Green and Croxteth all within the top 10% of deprived areas in England.<sup>iii</sup> More than a third of Local Super Output Areas in the Liverpool City Region are in the most deprived nationally, particularly in Knowsley and Liverpool. This deprivation is even more severe in terms of health, employment and income. In relation to the housing stock of the City Region (acknowledging that Halton resides in Cheshire FRA territory) 68% of the City Region's housing stock is in Council Tax Band A or B, compared to 44% of housing stock in England.

'Liverpool City Region (LCR), comprising Halton, Knowsley, Liverpool, St Helens, Sefton, and Wirral,



is a significant economy in the North West of England. A recent economic renaissance has seen over £1bn added to its economy in the last decade, laying the foundations for truly transformational economic success in the years and decades to come.' (*Liverpool City Region Combined Authority Local Industry Strategy*)

In terms of commerce the highest concentration of businesses in Merseyside is in Liverpool, with 35% of the total of all businesses in the City Region providing 38% of all jobs. The City Regions business base is growing faster than national levels and can boast high business start-up rates, 16% of all active businesses. However a business that starts in Liverpool City Region is less likely to survive three years than in other areas of the UK economy (a rate of 53% for businesses that started in 2015 compared to 57% nationally).

It is vital then that MFRS provides a service that protects both the communities but also provides industry and commerce with an environment that creates confidence with at least an equal but preferably a better FRS than other areas that may attract such industries away from Merseyside.

***'Liverpool City Region is a place of transformation. A place where the ingenuity and creativity of its people is helping to pioneer the ideas, industries, and infrastructure of the future. A place that is once again emerging as an international centre for culture and commerce. A place where a spirit of innovation is providing the solutions to society's deepest challenges. This Local Industrial Strategy sets out how Liverpool City Region will build upon these distinctive strengths and opportunities to transform together, and deliver a competitive, clean, and inclusive City Region.'*** *Liverpool City Region Combined Authority 'Local Industrial Strategy'*

## PREPARING OUR PLANS

This should be the essence of an IRMP with the proper assessment of risk informing the provision and numbers of resources required to protect the communities of Merseyside from the hazards of fire and other emergencies.

We agree with the concept of protecting the vulnerable but years of poor decision making and cuts when cuts were avoidable have left a number

of legacy issues that impact upon delivering the best FRS to protect the most vulnerable.

There is the issue of the PFI stations that exist within MFRS have limited options to relocate resources with PFI stations at Southport, Formby, Newton le Willows, Kirkdale, Bootle and Netherton and Birkenhead meaning that critical options for the authority for efficiency savings have been removed.



The FBU is also more than aware of the limited resources years of austerity and budget cuts wreaked on the Authority by a Conservative Government has led to real challenges in terms of available budgets. Previously the FBU has urged FRAs to utilise the vast amounts of reserves stockpiled by Authorities, a mistake that has been used by countless Tory Ministers to inhibit any real investment in the FRS including MFRS. In 2021 the reserves balances remains astonishingly high

given the financial strains placed on the Authority with current totals reserves being more than 50% of the overall budget.

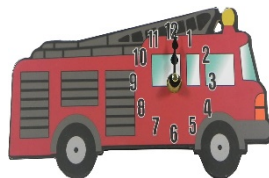
The National Risk Assessment (NRR) produced by the Cabinet Office has identified since 2008, that pandemics and diseases poses a significant threat to the UK, this IRMP does not assess and resolve this risk despite the obvious risks to the public and our members.

## **RISK, DEMAND & VULNERABILITY**

### **Risks in Merseyside**

This section is particularly confusing with the Plan stating that through work undertaken and involving the National Security Risk Register and the Community Risk Register MFRS has identified six high impact incident types that should be the focus of MFRS. That in itself seems to make perfect risk planning sense, if risk exists they must be considered and planned for and have been identified as:

- Terrorist Related Incidents
- Wildfire
- Fires in Large Buildings
- Marine Incidents
- Flooding
- Fires at Recycling and Waste Processing Plants



However the concern is caused by the following MFRS statement – *‘Plotting these risks on a map of the Merseyside region allows us to identify where our risks are and place our resources to meet these risks, as illustrated in the map on page 17.’* The map referred to on page 17 is useless to the reader as an informative or reference information resource as it is too small to be of any use but the glaring omission of risk to life given the identification of the amount of deprived areas, age profiles and evident socio-economic challenges facing Merseyside is stark.

### **Demand for our Services**

This section reinforces the concerns the FBU has which were generated from the previous section in that MFRS seems to rely on the demand placed on MFRS for the previous year rather than the risk presented it as referred to by the FBU. This is amplified by the ridiculous but often rolled out mantra that as incidents are less in number at night, less firefighter numbers are required.

Firstly, demand is useful only in an historic sense, it is not risk assessment or risk planning and to rely on the demand on the service may lead to the wrong disposition of resources. For example a targeted and focussed community fire safety campaign is intended to work and will have an impact on the numbers of fires in that community, it should not then be used as evidence to disregard the risk to the communities as that remains and is real.

Demand v risk can be explained to the lay person illustratively as pointing out that an airport fire station is very rarely used but is vital to the airport due to the risk, you would never dream of closing it.

Reducing firefighting resources at night time due to less activity reveals a real misunderstanding of the risk planning process. As most professional firefighters will confirm, most fatalities from fire occur at night-time with people more likely to be asleep or affected by substance abuse and with



less people around to alert the fire and rescue service to the fire, the fire is more likely to be well developed and as such significantly more dangerous both to the community member/s and the firefighters attempting to rescue the residents.

The graph on page 19 reinforces the FBUs point and clearly indicates that there is a high demand between 7pm and 10.30pm. MFRS have less fire appliances readily available in the night time than in the day time which is a significant issue of concern.

It is therefore absolutely vital to have adequate resources to effect the rescue successfully in as quickly a time as is possible, called the speed and weight of attack in the firefighting industry. Simply put if you get the speed and weight of attack correct, you rescue more people, if you get it wrong by not having enough firefighters to effect the rescue in the right place at the right time, you sadly increase fatalities to our community members and increase the risk to firefighters.

### Vulnerability in Merseyside

### Resources

The FBU are more than aware of the damage to the FRS, particularly MFRS that this Conservative Government has caused through its massive cuts to the budget. The FBU also agree with the Plan when it states that the budget must be spent in a manner that has the most positive impact on our communities. It is puzzling though that the authority holds reserves amounting to £30.171m amounting to an astonishing 51% of budget. The FBU is tired of authority rhetoric of declaring elements of reserved as being reserved so not appearing to count in the overall budget consideration and be available to utilise to ensure contractual and operational commitments are met.<sup>iv</sup>



This section of the plan should be the most informative and fundamentally important section in the plan and the FBU welcome its inclusion. That saying the section is regrettably woefully lacking in any analysis of risk to the vulnerable and simply refers to the known reduction in numbers of incidents over the previous numbers of years due to the significant intervention activities of our members in relation to home fire risk assessments.

The section makes passing mention of deprivation and includes a map showing the significant areas of deprivation, making a grand claim of MFRS mapping and considering how deprivation and fires are connected but includes no analysis, data research or outcomes to the consideration and as such it is reasonable to suspect that in its absence MFRS have either failed to actually consider the evidence or disregarded it, both are contrary to the requirements of the National Framework.

Again analysis and assessment of risk should have taken place as a priority to communities who are economically deprived, have high age profiles, ethnic impact should be assessed and issues such as levels of substance abuse, crime etc.

***'The Authority has prudently planned to meet its financial challenges over the medium term. The plan the Authority proposes is based upon the key assumptions around changes to grant, pay, tax and pension costs. To protect and safeguard the Authority from unforeseen changes in circumstances, demands or assumptions made in setting the budget the Authority has an established general fund and specific earmarked reserves. The Authority forecast reserves as at 31.03.21 are £30.171m.'***

	Estimated 2021/22 Opening Balance	Estimated 2021/22		Estimated 2022/23 Expected Use	Estimated 2023/24 Expected Use	Estimated 2024/25 Expected Use	Estimated 2025/26 Expected Use	Estimated Future Years Expected Use
		Base Budget	During 2021/2022					
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>Committed Reserves</b>								
<b>Emergency Related Reserves</b>								
Bellwin / Emergency Planning Reserve	222	0	0	0	0	0	0	222
Insurance Reserve	499	0	0	0	0	0	0	499
<b>Modernisation Challenge</b>								
Smoothing Reserve	1,555	0	-555	0	0	0	0	1,000
Recruitment Reserve	2,000	0	-400	-400	-400	-400	-400	0
Invest to Save / Collaboration Reserve	326	0	-326	0	0	0	0	0
Collection Fund	3,730	-2,758	0	-513	-459	0	0	0
<b>Capital Investment Reserve</b>	15,217	-5,000	690	-10,907	0	0	0	0
<b>PFI Annuity Reserve</b>	1,866	-91	0	-100	-120	-140	-160	1,255
<b>Specific Projects</b>								
Community Sponsorship Reserve	33	0	-33	0	0	0	0	0
Equipment Reserve	91	0	-91	0	0	0	0	0
Community Engagement Reserve	7	0	-7	0	0	0	0	0
Training Reserve	150	0	-50	-100	0	0	0	0
Health and Wellbeing Reserve	20	0	-20	0	0	0	0	0
Inflation Reserve	500	0	0	0	0	0	0	500
Clothing Reserve	328	0	-128	-200	0	0	0	0
<b>Ringfenced Reserves</b>								
Princes Trust Reserve	106	-106	0	0	0	0	0	0
Community Risk Management Reserve	308	0	-108	-200	0	0	0	0
Energy Reserve	97	89	-50	-50	-40	-46	0	0
New Dimensions Reserve	116	0	-116	0	0	0	0	0
<b>Total Committed Reserves</b>	<b>27,171</b>	<b>-7,866</b>	<b>-1,194</b>	<b>-12,470</b>	<b>-1,019</b>	<b>-586</b>	<b>-560</b>	<b>3,476</b>
<b>General Revenue Reserve</b>	<b>3,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,000</b>
<b>Total Reserves</b>	<b>30,171</b>	<b>-7,866</b>	<b>-1,194</b>	<b>-12,470</b>	<b>-1,019</b>	<b>-586</b>	<b>-560</b>	<b>6,476</b>

It must also be a source of some shame to the authority that MFRA does not support the payment of the living wage despite it being the policy of the Liverpool City Region Combined Authority.

The authority should also respect the outcomes of NJC negotiations and not to undercut the agreed

overtime rates by attempting to utilise secondary contracts to effectively reduce the overtime rate from 1.5 times salary to 1.2 times salary, which is a shameful and non-agreed practise denying overtime opportunities to hard working, loyal firefighters who risk their lives on a daily basis.



## Consultation and Engagement

The closest the reader could presume that the FBU is referred to at all in this section would be to presume we are included in what is termed as 'other organisations'. This is regrettable, disappointing and disrespectful but illuminates the Services view of the FBU and trade unions. The FBU is a vital element of getting a FRS right. We are the professional voice of the firefighting and control room profession who ensures policies and

procedures remains as safe as is reasonably practicable and who ensures the firefighting staff and support staff we represent are satisfied that their union agrees with what is being asked of them, ensuring greater productivity, safer workplace and decreased absences.

This is absent within MFRS.

## Risks in Merseyside

The FBU understands why MFRS have identified these risks but it appears to focus on those risks inferring that the day to day provision of an emergency fire and rescue service to communities who require our intervention either by rescue or saving their houses and possessions is somehow a less important issue than wild fires. The FBU are sure that is not what is intended and suggest that this is made clearer in the Plan.

It is right that the Plan supports the prosperity and heritage of Merseyside and it is right that the Plan seeks to ensure that we have the right people, with the right equipment in the right place at the right time, this Plan is deficient in that ambition in many regards.

## ABOUT US

This section of the Plan reminds us how many people are employed by MFRS which is 'around 1000'. The Plan is refreshingly honest about the drastic cuts the numbers of operational staff available for emergency responses for the people of Merseyside.

The Plan correctly identifies that in 2010 we had approximately 1000 firefighters, 42 emergency fire control staff, 42 fire appliances available immediately and 26 fire stations. Using Government statistics the position is bleak, made worse by recent organisational decisions without the agreement of the workforce.

This represents a 49% reduction in operational staff in 11 years despite a growing population, significant increase in housing stock and ambitious

investment and business strategies being developed by the Liverpool City Region Combined Authority such a reduction of firefighter and fire appliance represents a real threat for the future.

Year	Operational Staff (including control)	% difference
2010	1033	
2011	927	10.3% cut
2012	869	6% cut
2013	836	4% cut
2014	821	2% cut
2015	750	8.5% cut
2016	717	4% cut
2017	681	5% cut
2018	662	3% cut
2019	639	3% cut
2020	653	2% increase
2021	525	20% cut

## Operational Response

The section explains the disposition of fire appliances and fire stations across Merseyside, numbers of both of which have been decimated by the Government cuts.

It is important for the elected members of the Merseyside fire and Rescue Authority to be aware of what shifts are being required to be worked.

- **Wholetime** – without a doubt this is most effective shift system in which to provide a fire and rescue service will all fire appliances and stations ready for immediate mobilisation.
- **Low Level Activity and Risk (LLAR)** – without the collective agreement of the FBU achieved

in 2006, this is an unlawful duty shift system which would be in breach of the Working Time Directive. This system does not provide a 24 hour immediately available emergency response but is agreed with the FBU. Firefighters who work this system can transfer off it as they wish.

- **Day Crewing Whole Time Retained (DCWTR) and its Hybrid** – this is an extremely controversial and unnecessary duty shift system that forced firefighters wanting a career in MFRS to have to work two contracts, a wholetime contract **and** a retained contract. The firefighter has no choice but to work this system. This is not agreed with the FBU, and this firefighter who is forced to work on this system is employed on contracts that are different and worse than all other colleagues in MFRS. The retained contract requires a firefighter to respond within 30 minutes of being alerted. This firefighter has to be available to work or actually work for MFRS for 84 hours a week.

**All firefighters who work in MFRS should have the same terms and conditions and employment opportunities as each other.**

## Our Response to Emergency Incidents

The FBU view this approach as simply unacceptable. MFRS has set itself a response standard that is not challenging, and is so low as unlikely ever not to be met and the people of Merseyside deserve better.

With the loss of national standards of fire cover and targets for responses to be set locally, the standards have gone through the floor.

In 1981, the Central Fire Brigades Advisory Councils set up a Joint Committee to review the

standards of fire cover. They recommended that proper risk assessment must necessarily have close regard for local circumstances, and that identification of relevant local factors and analysis of their significance in terms of risks were matters for the professional judgement of Chief Fire Officers.

Figure A2 shows the standards as they were then agreed.

		Attendance Time of Fire Appliances	
Risk Category*	1 <sup>st</sup> appliance	2 <sup>nd</sup> appliance	3 <sup>rd</sup> appliance
Special Risk (High)	Pre	Determined	Attendance
A	5 minutes	5 minutes	8 minutes
B	5 minutes	8 minutes	
C	8 to 10 minutes		

D	20 minutes		
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*\*A risk - normally to be found in the largest cities or towns of the country it should be of substantial size and should contain a predominating concentration of properties presenting a high risk of life loss or damage to property in the event of fire. Examples of such areas might include:*

- (i) Main shopping and business centres, with department stores, shopping malls and multi-storey hotels, and office properties.*
- (ii) Concentrations of theatres, cinemas, clubs, dance-halls and other entertainment centres.*
- (iii) Concentrations of high-risk industrial or commercial property.*

*B risk - normally to be found in the largest cities or towns of areas not falling within category A risk. For an area to be as B risk, it should contain continuously built-up areas of substantial size with a predominating concentration of property presenting a substantial risk of life loss or damage to property in the event of fire. Examples of such areas might include:*

- (i) Shopping and business centres, predominately of multi-storey properties, offering some degree of concentration.*
- (ii) Concentrations of hotels and leisure facilities such as occur in the larger holiday resorts.*
- (iii) Concentrations of older multi-storey property offering substantial amounts of residential accommodation.*
- (iv) Industrial or trading estates containing some higher-risk occupancies.*

*C risk - normally to be found in the suburbs of the larger towns and built-up areas of smaller towns. For an area to be classified as C risk, it should contain built-up areas of substantial size where the risk of life loss or damage to property in the event of fire is usually low, although in certain areas the risk of death or injury may be relatively high. Concentrations of property may vary, but will generally be of limited extent. Examples of such areas might include:*

- (i) Developments of generally post-war housing, including terraced and multistorey dwellings, deck-access housing and blocks of flats.*
- (ii) Areas of older, generally pre-war, detached or terraced multi-storey dwellings, with a predominance of property converted for multiple occupation.*
- (iii) Areas of suburban terraces, semi-detached and detached residential properties.*
- (iv) Mixed low-risk industrial and residential areas.*  
*Industrial or commercial areas of smaller houses where there are few highrisk occupancies*

*D Include all areas other than those classed as Remote Rural (RR), not falling within Categories A, B or C. <sup>v</sup>*

Local fire and rescue services now set their own targets and as you can see from the table above, vast areas of Merseyside would have fallen within the risk category of A or B under the old national standards with MFRS having to ensure fire appliances arriving to the incident within 5 minutes for the first (and second for A risk) appliance and 8 minutes for the second. In 2021, some 15 years later, we have not improved standards but dramatically reduced them.

The response standard in 2021 is an utterly woeful 10 minutes for the first appliance to arrive on

scene where there is a risk of death or serious injury; this to be achieved on 90% of occasions, so even with a ludicrously low bar set to achieve, MFRS still plans to fail on 10% of occasions with the standards narrowly confined only to incidents with a risk of death or serious injury.

Furthermore, MFRS do not measure the response standards for the arrival of second and subsequent fire appliances for reasons known only to them however without the second and subsequent appliances on many occasions there are not sufficient firefighter numbers at the



incident to safely resolve the incident. The FBU believe that is a serious performance management flaw and is intentionally omitted to ensure an appearance of high performance.

The Plan reminds the reason this target is a minimum target which is sophistry as it is the only target set. It also reminds the reader that MFRS has one of the fastest response times in the country of 5 minutes 55 seconds. This require further analysis.

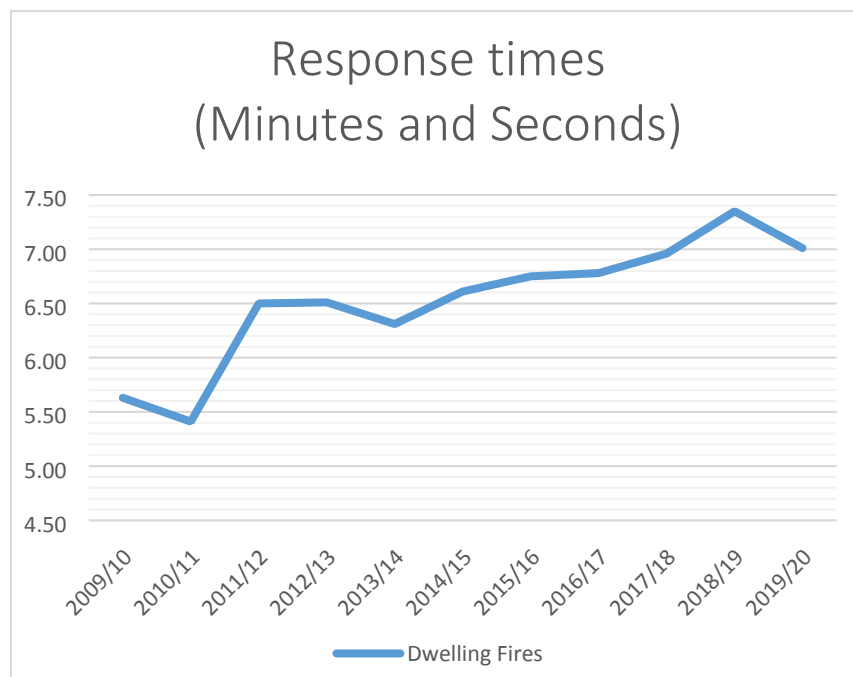
Firstly is how MFRS captures its data, the Government guidance for how to capture a response time for a fire appliance (regardless of whether it involves a risk of death or not) is the minutes and seconds elapsed from the time of call to the arrival of the first appliance to the incident.

MFRS strip out the time it takes for fire control to get the information from the community member, an essential part of the emergency service

operation without which the appliance will not be mobilised to any incident. Of course the result of stripping out part of the response time is that MFRS declares a response time which is not a response time, but the time it takes for one appliance to get from a fire station to an incident. It portrays a quicker time than it really is and is essentially hoodwinking the reader.

If we look closer at the real figures, compiled by the Home Office you will see the evidence is that the response times for MFRS has increased dramatically.

In 1994/95 the average response time for MFRS to respond to a dwelling house fire was 4 minutes 23 seconds<sup>vi</sup>, in 2019/20 for the same dwelling house incident type it had increased to 7 minutes 1 second; a 60% increase in responding to emergencies and a significant failing that could be potentially unlawful under Best Value legislation.



This is even more alarming when one considers the real lack of second and subsequent fire appliance availability due to loss of appliances, appliances being delayed due to LLAR and appliances being delayed due to DCWTR(H). The FBU believe this is the real reason MFRS misrepresent the real statistics for the most

important key performance indicator which reveals a lesser service than that has previously been provided.

This is even more concerning when one consider that the MFRS geographical area is relatively small in relation to most other FRS's. Tyne and Wear is a



FRS in the Metropolitan fire group and a similar size and risk to Merseyside yet has an average response time to a dwelling house fire of 5 minutes, 55 seconds. The average for a Metropolitan FRS is 6 minutes 35 seconds for

attending a dwelling house fire and MFRS is now slower than London Fire Brigade, Greater Manchester FRS, Tyne and Wear FRS and West Midlands FRS all using Home Office statistics.

## Prevention

The FBU agree with the Service that MFRS leads in the provision of community fire safety despite the huge budget cuts impacting upon the ability

for the authority to return to a policy to provide free smoke alarms to all.

## Protection (Legislative Fire Safety)

The need for a fully resourced and professional legislative fire safety function within the FRS has never been evidenced as starkly as the tragic fire at Grenfell Tower. The drive to deregulate the building sector has led to the appalling situation where commercial interests has superseded the safety of the public with dangerous cladding wrapped around residential premises including high rise tower blocks and a breach of compartmentation of such residents leading to a break down in the engineered fire safety protections in the flats etc.; this knowingly undertaken by corporate interests as is being understood in the Grenfell Tower Inquiry (GTI).

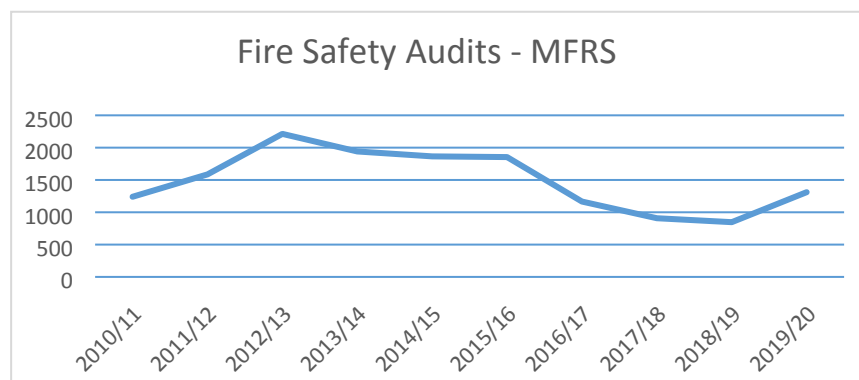


unknown numbers of dangerous property stock in Merseyside as the only practical way to identify such property is either by hoping the builder will inform us and as we have seen from the GTI, that is unlikely, or alternatively MFRS inspect as many premises as possible to enforce remedial action to

ensure property such as high rise block, factories, shops and entertainment premises are safe from fire. This will evidently require resources and the FBU is keen to join the Authority to lobby Government for those resources.

This has been exacerbated by years of cuts to fire safety numbers in FRS including MFRS leaving

The following table shows that even after Grenfell after ten years of constant cuts, the numbers of fire safety audits undertaken by MFRS Fire Safety staff has reduced leaving Merseyside people at peril.





**Recommendation 3 – It is clear that investment is required to support the fire safety department and the FBU propose a joint lobbying approach with the authority to Government to seek that sustainable investment so as we can provide a fire and rescue service the people of Merseyside can be proud of.**

### **Support Services (Our Internal Frontline)**

The FBU particularly acknowledge the importance of support staff and indeed represent a significant number of them. They are vital in ensuring all equipment and people are where

they should be with the right Personal Protective Equipment (PPE) and welfare provisions. Such vital support staff should be recognised and their value to their organisation acknowledged.

**Recommendation 4 – The FBU formally proposed that all those workers on less than the living wage have their wages increased in line with that living wage as a matter of urgency. This to reflect local authority political positions and in line with the Liverpool City Region Combined Authority.**

### **Our People**

Despite the bold claim of the Plan that the Aim of MFRA is to have excellent people and will develop and value all our employees, respecting diversity, promoting opportunity and equality for all, this is demonstrably not the case as we have explained previously in this response.

The recently published Core Code of Ethics for Fire and Rescue Services which again did not involve the FBU but did involve the National Fire Chiefs Council (NFCC) has as one of its stated ethical principles of requiring FRS's to *'continually recognise and promote the value of equality, diversity and inclusion (EDI), both within the FRS and the wider communities in which we serve. We*

*stand against all forms of discrimination, create equal opportunities, promote equality, foster good relations and celebrate difference.'* In terms of leadership one should *'always demonstrate the principles of a positive culture of equality, diversity and inclusion.'*

<https://www.local.gov.uk/about/news/new-core-code-ethics-be-heart-fire-and-rescue-services>

The manner in which new entrants have been employed on non-agreed, non-negotiated contracts that are different and worse than their colleagues in MFRS amply demonstrates that MFRS are failing in their own core code of ethics for fire and rescue services

**Recommendation 5 – That MFRA instruct MFRS to immediately return to the dispute resolution process involving the National Joint Council Joint Secretaries to assist in seeking urgent resolution to this significant dispute.**

MFRS seeks the approval from MFRA within this plan to reportedly increase the number of fire appliances from 29 to 31 by expanding the Hybrid duty system.

As we have previously stated, this duty system is not an agreed (locally or nationally) duty system. It is in breach of the national scheme of conditions of service for local authority fire and rescue services and we simply ask that this FRA remains within those national and locally agreed procedures and respect agreements reached with the FBU in good faith.



The Plan seeks to extend the duty system to Kirkdale fire station despite knowing this is a system embroiled in a lengthy and damaging dispute with the FBU and can only be in place and tolerated by employing new staff straight onto it, imposing worse terms and conditions than their colleagues.

For years the FBU have attempted to resolve this dispute, including involving the national negotiators from both the FBU and the Employers side of the NJC (the Joint Secretaries) but MFRS refuse to move one single inch. In the view of the FBU this system is unlawful and would be deemed as such if the response time required for those who work on it would be the same as those who work on LLAR. Those who simply want to have a firefighting career have to effectively work 2 jobs (wholtime and retained) which we could facilitate under a voluntary arrangements that would respect worklife and carer issues.



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The same is proposed for what is termed a new superstation at Long Lane, this proposal is complicated by the fact that MFRS operate an unlawful duty system currently at Croxteth (24 hours) and it is puzzling why this Authority permits the Service to do so. If the Service considers to continue with the 24 hour duty system at Long Lane in whatever capacity then this is also unlawful as clarified in **R (on the application of the Fire Brigades Union) v South Yorkshire Fire and Rescue Authority**, where the High Court held that a shift pattern designed in deliberate breach of the WTR was unlawful, even though only volunteers worked under it.

South Yorkshire Fire and Rescue Authority introduced a shift system known as Close Proximity Crewing (CPC) at four fire stations in March 2012 (it has been called Day Crewing Plus elsewhere and LLAR in Merseyside). As the system involved working 96 hours of continuous duty, anyone who volunteered to work CPC shifts had to sign an opt-out from regulation 4 of the WTR. Those who did, received an additional 30 per cent on top of their basic salary plus an annual payment.

In 2015, members of the FBU brought a claim (Mansell v South Yorkshire Fire and Rescue Service, which found that the CPC system breached the WTR. The authority did not appeal the decision **but nor did it comply with it**. Following publication of the fire authority's Integrated Risk Management Plan in 2017 in which it refused to exclude use of the CPC system, the FBU brought an application for judicial review arguing that the CPC shift system breached regulations 6 and 10 of the WTR.

Regulation 6(1) stipulates that a night worker's normal hours should not exceed eight hours in each 24-hour period. Although workers cannot opt-out from the provision, nor bring a tribunal claim if it is breached, regulation 6(2) requires employers to take "all reasonable steps" to comply with the limit.

Regulation 10 states that workers are entitled to a rest period of not less than 11 consecutive hours in each 24-hour period of work. Regulation 22 dis-applies regulation 10 in the case of shift workers who change shift and cannot take a daily rest period between the end of one shift and the start of another.

With regard to regulation 10, the Court held that the authority's position was not defensible. Indeed the judge said that he could not see how the CPC system, in its current form, could operate lawfully in conjunction with regulation 10 as the breach was "blatant and obvious".

This applies to LLAR if the collective agreement reached between the FBU and MFRA in 2006 is terminated by either party and would render any system of 24 hour working (such as that currently worked at Croxteth Fire Station) without the collective agreement with the FBU, as being unlawful.

In relation to the disposition of aerals we naturally support the crewing of an aerial at City Centre crewed 24 hours a day 7 days a week. It is disappointing after the lessons of tragedies such as Grenfell Tower that



the other 2 aerals in MFRS are to be complementary crewed meaning that they cannot be guaranteed to attend the emergencies immediately and in fact probably would not be able to do so as the crew will be more likely mobilised to the incident.

## **PROPOSALS FOR 2021-24**

### **Emergency Response – Fire Engines and Firefighters**

#### **Creating Specialist Capabilities**

This is a slightly confusing section of the Plan as it purports to seek to *create* specialist capabilities and then identifies these capabilities as being:

- Command and Control
- Breathing Apparatus support Unit
- General Purpose Unit
- Hazmat
- Bulk Foam Unit
- Search and Rescue
- High Volume Pump
- Wildfire

These capabilities have not been created but have always been provided by MFRS and the FBU question why this has been presented as such.

The capability creation is evidenced by the proposal for:

- Marine and Ships Firefighting Offshore Capability

#### **Training and Development**

The FBU understands and supports the need to relocate the training academy but is bemused at the description of using research and analysis to find the best location rather than being open

#### **Prevention**

The FBU note this section of the Plan.

#### **Protection**

The FBU support the increase in the numbers of fire safety officers but do not support the increase being resourced in part by non-operational posts. Fire safety is an important and integral part of a firefighter's role and the skills, expertise and

- Marauding Terrorist Attack Specialist Responder

It is important to understand that these proposals seek to change the role of a firefighters and along with it the contractual obligations of a firefighter. This would legally require agreement and has been the subject of extensive discussions within the National Joint Council for Local Authority fire and Rescue Services. The FBU look forward to formal proposals from MFRS to the FBU to open negotiations on this matter.

The same contractual position exists for the proposal for firefighters to undertake paramedic work called Emergency Medical Response (EMR) which will require agreement with the FBU and the Union looks forward to the commencement of negotiations.

about the limited estate opportunities that exist in Liverpool to be able to build such an expansive development.

experience achieved by working in such a specialist department should be re-invested into the operational station based response capability so those skills attained can be shared with others.



It is obvious that the only reason that there is a contemplation to use non-operational staff is simply due to cost but the FBU urge this to be short termism and counterproductive.

### Preparedness

The FBU support most of this section but make the following comments:

*'We will develop operational plans for all key risks including heritage sites and sites of scientific interest'*- this may be a badly written element of the Plan but all key risks etc. should be planned for in any event as part of our normal day to day operational existence, MFRS should reassure the reader that is the case.

### FINANCE

The FBU reiterate that we are more than aware of the challenges 11 years of Tory imposed cuts have had on the ability of MFRS to be able to provide the best FRS to the people of Merseyside.

### EQUALITY, DIVERSITY & INCLUSION (EDI)

The FBU has laid out in detail the deficiencies MFRS has in relation to equality but commits to

The proposal to use drones is an interesting proposal which on the face of it seems entirely sensible and we look forward to negotiations on introducing such an activity into the role of a firefighter as currently it is not.

*'Introduce ways of staffing our Fire Control that reflects the demands of the service.....'* Again it may be a case of a badly written section of the Plan but the service does not have the ability to *introduce* ways of staffing, it must discuss with the FBU on how best to staff control, it is our members who work in the control room and they are not pieces on a staffing chess set but real people with real issues.

The FBU however do wonder why the huge levels of reserves are not explained in more detail to the people of Merseyside.

working with the Authority to resolve these issues

**Recommendation 6 – The FBU formally proposes the creation of a FBU/MFRS Joint Working Party which would include the authorities' equality champion/portfolio holder to examine the issues raised by the FBU and to undertake an equality audit of policies, procedures and the estate of the authority to ensure the highest levels of EDI**

### CONSULTATION & ENGAGEMENT

This section reveals some form of pre-consultation consultation which is usually a benign issue until you are advised that *'as you will have seen, we have based our proposals on what we discussed with the public'*. Regrettably this requires comment as this is both disingenuous and incompetent.

Firstly, the questions asked of the public are at best, loaded. Secondly how can any organisation

base proposals on what was to be discussed? Where are the details of numbers of consultees, their competence to be able to properly comment on FRS issues, the data analysis, the risk assessments, the gap analysis, the outcome of any pre-consultation consultation?

Simply put, this section makes no practical sense but seems to the FBU to be there to try and fool the reader that engagement has been comprehensive.

## Our Planning Principles

This section is quite simply bizarre. The Plan states that MFRS has set Planning Principles agreed with the people attending engagement meetings in 2016/17. The identity of these people, the numbers of them and how they represent the people of Merseyside is unknown. This is important as the Plan states that **'The public and Fire Authority would:'**....which elevates the status of this unknown body of people who have apparently decided principles without evidence,

minutes or reports certain issues such as maintaining a ludicrously low and non-challenging response standard of 10 minutes *'rather than have some areas fall outside of that standard'* whatever that means.

The experience and knowledge of the fire and rescue service of this unknown group is also....unknown.

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<sup>i</sup> Mfrs irmp pgs 6 and 7; Introduction and background – the national framework 2018

<sup>ii</sup> <https://www.oecd.org/employment/collective-bargaining.htm>

<sup>iii</sup> Indices of deprivation

<sup>iv</sup> <https://www.merseyfire.gov.uk/media/2106/merseyside-fire-rescue-authority-budget-summary-2021-2022.pdf>

<sup>v</sup> <http://www.highrisefirefighting.co.uk/docs/the%20fire%20cover%20review%20technical.pdf#:~:text=The%20formulation%20of%20national%20standards%20of%20fire%20cover%2C,with%20mainly%20residential%20property%2C%20more%20widely%20spaced%20and>

<sup>vi</sup> <https://www.gov.uk/government/statistical-data-sets/fire-statistics-data-tables#response-times>