

MERSEYSIDE FIRE AND RESCUE AUTHORITY

MEETING OF THE:	FULL AUTHORITY		
DATE:	1 ST AUGUST 2014	REPORT NO:	CFO/086/14
PRESENTING OFFICER	CHIEF FIRE OFFICER		
RESPONSIBLE OFFICER:	CFO STEPHENS	REPORT AUTHOR:	CFO STEPHENS
OFFICERS CONSULTED:	KIERAN TIMMINS DCFO GARRIGAN		
TITLE OF REPORT:	INDUSTRIAL ACTION COVER ARRANGEMENTS		

APPENDICES:	APPENDIX A	CFO/084/14
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Purpose of Report

1. To advise Members of the estimated financial and health, safety and welfare impact of the forthcoming episodes of industrial action announced by the Fire Brigades Union (FBU) in the ongoing national dispute over pensions and of the options open to the Authority in relation to operational cover arrangements.

Recommendation

2. That Members decide which of the operational cover arrangements they wish the Chief Fire Officer (CFO) to adopt during the forthcoming episodes of industrial action.

Introduction and Background

3. Members will be aware of the ongoing national pension's dispute between the FBU and Government which has seen 30 separate episodes of industrial action so far. The financial impact of the dispute was reported to the Authority at the meeting on 24th July within CFO/084/14 and attached at Appendix A.
4. On 31st July the FBU announced a further 16 episodes of industrial action on the following dates and times;

Saturday 9th August 1200hrs – 1400hrs and 2259hrs – 2359hrs
Sunday 10th August 1200hrs – 1400hrs and 2259hrs – 2359hrs
Monday 11th August 1200hrs – 1400hrs and 2259hrs – 2359hrs
Tuesday 12th August 1200hrs – 1400hrs and 2259hrs – 2359hrs
Wednesday 13th August 1200hrs – 1400hrs and 2259hrs – 2359hrs
Thursday 14th August 1200hrs – 1400hrs and 2259hrs – 2359hrs
Friday 15th August 1200hrs – 1400hrs and 2259hrs – 2359hrs
Saturday 16th August 1200hrs – 1400hrs and 2259hrs – 2359hrs
5. The timing and duration of the industrial action has again been set to cause maximum disruption to the Authority with minimum financial impact to the striking Firefighters.
6. As reported in CFO/084/14 the Authority has three options to consider with regards to the provision of emergency response cover which are;

- Continue to deploy the maximum number of appliances possible based on the availability of resilience staff
 - Reduce the numbers of appliances available during each period of industrial action
 - Refuse to accept partial performance of a shift
7. At the time of writing it has not yet been possible to determine the availability of resilience staff however a definitive position should be established by 4th August for all three options outlined above. The Authority has deployed an average of 20 appliances, 1 primary crewed Combined Platform Ladder, 1 primary crewed Prime Mover, 4 full Urban Search and Rescue (USAR) teams (10 technicians per team, 2 canines and handler and Tactical Advisor) for national deployment, 1 High Volume Pump (HVP) and full Chemical, Biological, Radiological and Nuclear (CBRNE) capability during each industrial action period. This is set against a normal availability of between 24 and 28 appliances.
 8. It is anticipated that the weekday day time episodes of industrial action (1200hrs – 1400hrs) will be less problematic to cover than the weekend day time and all evening episodes of industrial action (2259hrs – 2359hrs). The weekday episodes of industrial action will however be very disruptive to the day to day Authority business for senior officers in functional role.
 9. From a health, safety and welfare perspective the timings of the evening episodes of industrial action (2259hrs – 2359hrs) give some cause for concern as resilience staff will not return home until sometime after midnight and may well be required in work later on that morning. This can be managed in some instances (depending on rostered duty) by allowing for a later start time.
 10. Given the health, safety and welfare implications the Authority might consider fielding less appliances during the evening periods of industrial action whilst seeking to field as many as staff availability allows during the day time episodes. There are however risks with this option which have been detailed previously within CFO/084/14.
 11. If the Authority elected not to accept part performance then resilience staff would provide cover from 0830hrs on Saturday 9th August through until 0830hrs Sunday 17th August. In these circumstances the resilience teams would operate to the industrial action continuous working risk assessment and self-roster to provide appliance availability across the full period of industrial action. This would however result in staff taking industrial action losing a full weeks pay (42 hours) against the 6 hours pay they would lose if the Authority were to continue to accept part performance.

Equality and Diversity Implications

12. With regards to those staff providing resilience, the short period and short notice industrial action may have an impact on staff with caring responsibilities. Whilst this may be considered more impactful on female staff members, the same impact will be felt by any staff member with caring responsibilities. The provision of resilience is voluntary.

13. In terms of those staff involved in IA, the impact will be proportionate to all members regardless of their protected characteristics. There will be an obvious economic disadvantage to those members of staff involved in IA in terms of their pay.

Staff Implications

14. Staff implications have been covered in the main body of the report.

Legal Implications

15. A period of strike action shorter than a complete shift amounts to partial performance and in such cases the Authority will need to decide whether or not it will accept the partial performance, as it is entitled to do.
16. The Authority may decide for example to allow the striking employee to continue to work normally and be paid for the remainder of the affected shift.
17. Alternatively it may decide that the employee will not be required, and therefore not paid for the remainder of the shift. If an Authority decides that employees will not be required to work the rest of the shift, the employees should be made fully aware in advance that any work that is undertaken during the remainder of the shift will be regarded as voluntary and not attract any pay. Such volunteers should not in any way be requested to carry out work during the unpaid period, unless pay for that period of time is to be reinstated. The Authority is not, however, required to send employees home or prevent them in some other way from performing any work if the employees insist on working the remainder of the shift and this makes such a situation different to a "lockout".

Financial Implications & Value for Money

18. The estimated cost to the Authority of covering all periods of industrial fielding all available appliances is circa £85k.
19. The estimated saving to the Authority of not accepting partial performance is circa £33k.

Risk Management, Health & Safety, and Environmental Implications

20. The timings of discontinuous industrial action are set such that there is at least an 11 hour break between each period of action which therefore remains within the Working Time Regulations. As detailed in paragraph 9 however if resilience staff are rostered for duty at 0830hrs following on from providing cover during an evening episode of action they will not have an 11 hour break between work periods. Given the impact on appliance availability it may not be possible to allow resilience staff a later start time in these circumstances.

Contribution to Our Mission: *Safer Stronger Communities – Safe Effective Firefighters*

21. The CFO will seek to manage appliance availability during any period of industrial action so as to minimise the impact on response times.

BACKGROUND PAPERS

NONE

GLOSSARY OF TERMS
