

AGENDA ITEM:

REPORT TO: Meeting of the	MERSEYSIDE FIRE & RESCUE AUTHORITY
DATE:	3rd SEPTEMBER 2013
REPORT NO.	CFO/110/13
REPORTING OFFICER:	CHIEF FIRE OFFICER
CONTACT OFFICER:	AM SEARLE
OFFICERS CONSULTED:	GM LONGSHAW
SUBJECT:	INDUSTRIAL ACTION PLANNING (OP FODIENT)

APPENDIX A

TITLE

LETTER FROM MATT WRACK FBU

Purpose of Report

1. To advise Members of the planning undertaken in preparation for industrial action by the Fire Brigades Union (FBU) following the ballot for industrial action which concluded with a yes vote announced on 29th August 2013. Strike dates have yet to be announced and the Fire Brigades Union has 7 days to inform the Authority of dates whilst there is total of 28 days in which strike action must be taken.

Recommendations

2. That Members note the fact that the FBU will take industrial action on dates yet to be announced and that Members approve the resilience arrangements in place to ensure that the Authority continues to meet its statutory duties.
3. That Members confirm they will apply their established policies and arrangements in relation to any industrial action (including those pension issues described in the financial implications of this report at Paragraph 19).

Introduction & Background

4. On 17th May 2013 the FBU advised the Fire Minister that a national trade dispute existed between the FBU and Ministers over the issue of reform of the fire and rescue service pension scheme. The FBU also notified Fire and Rescue Authorities (including Merseyside) of their position at that time. A ballot for industrial action was called on 12 July 2013.

5. This dispute is a national matter between the FBU and Ministers, although any industrial action will test local resilience arrangements and impact upon our Communities.
6. Paragraph 1.14 of the Fire and rescue national framework for England states “Fire and Rescue Authorities must have effective business continuity arrangements in place in accordance with their duties under the Civil Contingencies Act 2004 and to meet the full range of service delivery risks. Business continuity plans should not be developed on the basis of Armed Forces assistance being available”.
7. In order to meet this requirement the Authority offer Resilience Contracts to grey book members of staff each year. The contract is offered to staff in March and those who choose to accept the offer receive a one off payment in April for providing resilience over the forthcoming year.
8. At the time of writing the Authority has 126 Members of staff with resilience contracts. When a member of staff accepts a Resilience Contract, they must designate whether they are willing to offer contract, contract plus additional or continuous hours cover. The majority of Resilience Contract holders offer continuous hours cover.

Planning For Industrial Action - 2013

9. In preparation for the possibility of industrial action after the ballot was called the Service have instigated the following measures;
 - Confirmation of Resilience Contract holders for 2013
 - Review and refresh of Service Operational Procedure ‘Operation Firecalm’
 - Risk assessments have been reviewed
 - Training programme for Resilience holders implemented
 - Driving courses prioritised
 - Confirmation of MACC procedures and back-up plan
 - Availability of National Resilience Capabilities confirmed with the Chief Fire and Rescue Advisor (CFRA)
10. As a result of the yes vote all members of staff have been written to and asked to confirm whether they intend to take industrial action or not. If any member of staff elects not to take part in the industrial action, they will form part of the resilience arrangements.
11. At the time of writing the assumption is that the Authority will have 20 front line fire appliances continuously available. In addition all National Resilience Capabilities (USAR, CBRNE and HVP) will be available as per the National Co-ordination and Advisory Framework (NCAF).
12. The Chief Fire Officer (CFO) has made a commitment to the CFRA that one Authority reserve appliance will be sent to the Fire Service College to form part of a Strategic Reserve for England. This reserve capability will consist of pumps which are crewed by 4 fully competent Ministry of Defence (DFRMO) firefighters plus 2

soldiers who are being trained to a basic standard. These pumps are not allocated to an individual FRS but will be based at Military establishments around the country and kept immediately available to support large incidents or in support of FRS's which become stretched.

13. The CFO has also agreed to form part of the USAR contingency plan for England. The National Resilience Assurance Team (NRAT) will be holding a full set of USAR modules at RAF Leeming for the duration of the industrial action. The Service will provide 3 drivers to staff the modules at RAF Leeming and an additional 7 USAR Technicians, canine and handler and Subject Matter Advisor (SMA) to the scene of the incident. This is in addition to the MFRA USAR response which will remain on Merseyside. Arrangements are in place with the National Police Air Service (NPAS) and the military to ensure the expeditious deployment of Merseyside USAR personnel to any national incident.

Equality & Diversity Implications

14. There are no Equality and Diversity implications contained within this report.

Staff Implications

15. All members of staff who have indicated that they do not intend to take part in industrial action will be required to form part of the operational response to maintain the maximum number of operational resources for the Authority.

Legal Implications

16. The Authority is required to have effective business continuity arrangements in place in accordance with their duties under the Civil Contingencies Act 2004. The Fire and rescue national framework for England is explicit in that the Authority cannot develop business continuity plans on the basis of Armed Forces assistance being available.
17. On 31st July 2013 the Chief Fire and Rescue Advisor wrote to all Chief Fire Officers confirming that planning should take place on the basis that no military support will be available. This letter is marked 'Restricted' however the CFO will make copies available to Members to read on request.

Financial Implications & Value for Money

18. All members of staff will be paid as per the Resilience Contract agreements. All members of staff who take part in industrial action will have their pay deducted as per the extant Authority policy.
19. Whilst staff are able to 'buy back' lost pension entitlement for any industrial action period the Authority policy has always been to require any individual who wishes to do so to pay both the lost employer and employee contribution elements for the

pension period. Whilst in theory the pension rules allow the Authority discretion to pay the employers element the Authority policy has been that pensions form part of the remuneration package overall and that if a member of staff withdraws labour then the full remuneration “package” is removed and the employee makes good any shortfall.

20. At the time of writing it is expected that any industrial action would be broadly cost neutral on the Authority (since resilience arrangements are predicated on a smaller number of staff working relatively longer hours) based on the assumption above.

Risk Management, Health & Safety, and Environmental Implications

21. All personnel providing resilience are fully trained competent operational Firefighters.
22. A risk assessment is in place for the undertaking of continuous duties containing suitable control measures to mitigate risk.

Contribution to Our Mission – To Achieve; Safer Stronger Communities – Safe Effective Firefighters”

23. The maintenance of emergency response cover during periods of industrial action is essential to ensure the safety of Merseyside and its residents.

Glossary of Terms

FBU - Fire Brigades Union
CFRA - Chief Fire and Rescue Advisor
MFRA - Merseyside Fire and Rescue Authority
USAR - Urban Search and Rescue
RAF - Royal Air Force
NCAF - National Co-ordination Advisory Framework
NRAT - National Resilience Assurance Team