

Cabinet

27 January 2023

WFRS Preparedness for Potential Industrial Action

Recommendations

That Cabinet

1. is cognisant of the current situation in relation to firefighter pay and the potential for industrial action; and
2. supports the steps being taken by WFRS to plan for and mitigate against the impact of industrial action on communities in Warwickshire

1. Executive Summary

- 1.1 Warwickshire County Council, as The Fire Authority has a legal duty to provide a Fire and Rescue Service that can respond to fire safety, firefighting, road traffic accidents, emergencies and other eventualities. This legal duty applies at all times including during periods of industrial action. During Industrial action, given the impact on resourcing, this becomes a 'target duty' rather than an absolute requirement.
- 1.2 Firefighters have a legal right to take strike action subject to an appropriate ballot undertaken by a Representative Body. Firefighters in Warwickshire are mainly Fire Brigades Union (FBU), Fire Officers Association (FOA) and the Fire and Rescue Services Association (FRSA) members. Non-union members who take part in legal, official industrial action have the same rights as union members not to be dismissed as a result of taking action. Firefighter terms and conditions, including pay, has resulted in a ballot with the potential for strike action being called by the Fire Brigades Union (FBU) and will include Fire Control operators.
- 1.3 In the event of industrial action, it will not be possible to maintain the same level of service and the communities of Warwickshire will be at higher risk.
- 1.4 Industrial action is likely to be planned to have the least impact on pay for firefighters and the most disruption to services. During the last dispute the FBU developed the approach of staging relatively short strikes of a few hours' duration timed to straddle shift changes and it is expected that this tactic will be repeated.
- 1.5 Business continuity plans are being put in place, on a best endeavours basis, to reduce and respond to risk in Warwickshire during periods of industrial action. Neighbouring services are putting in place their own contingency

measures, but it is accepted by all Fire and Rescue Services that the same level of border support mechanisms will not be available during any periods of Industrial Action.

- 1.6 Officers are observing developments in relation to the government's Strikes (Minimum Service Levels) Bill which, if enacted, would give ministers powers to introduce regulations specifying minimum service levels in certain sectors, including fire and rescue. Fire Authorities would be able to require attendance of certain employees required to meet those minimum service levels through a system of 'work notices'. However, the changes are unlikely to come into effect prior to the current wave of industrial action.

2. Financial Implications

- 2.1 Pay for firefighters is the subject of the dispute that has led to the possibility of Industrial Action. Pay is negotiated and agreed nationally through the National Joint Council.
- 2.2 Under section 145B of the Trade Union Act, it prohibits an employer from making offers to members of a trade union where the employer's sole or main purpose in making the offers is to achieve a 'prohibited result', namely that the workers' terms of employment will not (or will no longer) be determined by collective agreement negotiated by or on behalf of the trade union. This has been raised as an objection by the FBU to some Authorities' attempts to offer "resilience contracts" to firefighters which requires them to work through any dispute. Any national agreement reached on firefighter pay that is above the current budgeted 4% pay rise will create a budget pressure for Warwickshire County Council/Fire and Rescue Service and will need to be considered as part of our MTFS planning. The in-year revenue budget should not be negatively impacted by Industrial Action.
- 2.3 Separately, national discussions are ongoing about potential use of Military Aid to Civil Authorities (MACA) to provide extra assistance during any periods of Industrial Action which, if requested and agreed, would be at a cost to the relevant Fire and Rescue Service from the moment the request is formally made.

3. Environmental Implications

- 3.1 Industrial action is likely to result in some fires being allowed to burn for longer, or to burn out completely, owing to the need to prioritise resource commitments to life risk incidents and the resultant use of defensive firefighting techniques. This will cause increased pollution effects, commensurate to the size of the fire.

4. Preparedness for Industrial Action

- 4.1 On 21st November 2022 the Fire Brigades Union (FBU) submitted a letter to employers setting out a trade dispute with them on the issue of pay. They subsequently notified employers of their intention to ballot for strike action on 28th November 2022.
- 4.2 The ballot is scheduled to run from 5th December 2022 to 30th January 2023. The period has been extended to take into account the effect of strike action on the Royal Mail. It is considered highly likely that a strong yes vote will be returned. If this is the case, then national strike action is likely to commence by mid to late February 2023.
- 4.3 It is anticipated that a proportion of WFRS staff will choose not to take industrial action, some will only be prepared to attend on their normal roster pattern, others will be more flexible in their approach. Work will remain ongoing to gain a greater understanding of the numbers of people who are likely to choose not to take industrial action.
- 4.4 During time of industrial action, WFRS focus will be on providing the best possible level of service to the communities of Warwickshire. Apart from existing arrangements with Northamptonshire Fire and Rescue Service (NFRS) for Service Control, WFRS will be unlikely to be able to request any national or local assistance and will be unable to provide any assistance to other Fire and Rescue Services.
- 4.5 National discussions are ongoing about potential use of Military Aid to Civil Authorities (MACA) which would be billed to the relevant Fire and Rescue Service. WFRS has made an assessment of the offer made by the Military and has responded indicating the likely support that could be required. This includes Fire Control Operators and drivers working within a crew of firefighters. The military are currently unable to provide this support.
- 4.6 WFRS already has very detailed and thorough Business Continuity arrangements in place which are regularly reviewed and tested which means that WFRS is well placed and ready to transition to Business Continuity mode as will be required if there is Industrial Action.
- 4.7 WFRS will attempt to support developing incidents outside of Warwickshire on a “best endeavours” basis whilst maintaining emergency cover in Warwickshire. WFRS will be in Business Continuity mode and will instigate appropriate business continuity plans as required across all of its functions and departments.
- 4.8 Emergency response will be prioritised to incidents involving life and property.
- 4.9 Our intention is to maintain good relationships across the Service with our people, the focus being to ensure the best possible outcomes for Warwickshire in the long term.

- 4.10 A detailed analysis has been undertaken to identify those members of staff who may be called upon to undertake alternative operational duties during any Industrial Action. Refresher training is being provided to those who need to be upskilled to perform operational duties during periods of industrial action.
- 4.11 WFRS and Northamptonshire Fire and Rescue Service will seek to maintain their remote, mutually supportive control rooms taking maximum advantage of available crewing to support both Services. Additional selected staff are being trained to provide auxiliary cover, allowing non-striking Control staff to prioritise emergency calls.
- 4.12 Our people who indicate they wish to work will, to mitigate against the risk of any conflict situations, be directed to alternative Delivery Points (DP's) to access buildings rather than being required to cross a picket line at their "home station".
- 4.13 Our people might be asked if they are prepared to work additional shifts. Any additional shifts worked will be recompensed according to relevant firefighter terms and conditions.
- 4.14 Our available resources will be positioned across Warwickshire in line with our risk analysis and where they will make the biggest positive impact. It will not be possible to meet our response standards or deliver the same quantity of prevention or protection activities during periods of industrial action.
- 4.15 During periods of Industrial Action, our On-Call fire crews may wish to avoid conflict by not being moved to standby at or near to locations where there are picket lines. Our on-call appliances will remain close to home location, unless and until a confirmed incident occurs elsewhere. This may result in a geographically imbalanced distribution of available resources.
- 4.16 With minimal firefighting crews available across the Service, WFRS will only deploy full crews to confirmed incidents involving life and property. Maximum use will be made of flexi officers and any 'small fire' crews that may be available for other incident types, e.g. car fires confirmed as no life risk, skip or bin fires or suspected malicious calls which still require confirming as such.
- 4.17 Fire Control will be given maximum discretion to move away from normal pre-determined attendances, using the experience and judgement of our trained fire control operators in order to maintain levels of emergency cover. Priority will be given to life risk calls, which may involve calling resources away from an incident that officers are already committed to.
- 4.18 Specialist appliances such as the high-volume pumping unit, will be crewed on a "best endeavours" basis depending on available staff skill sets and the prevailing situation at time of call.
- 4.19 The Home Office has RAG rated every Fire and Rescue Service across the country on the following basis:

- Below 25% availability: Red
- 25% - 30% availability: Amber
- Greater than 30%: Green

4.20 WFRS is currently amber rated based upon our estimated resource availability during times of industrial action.

Appendices

None

Background Papers

None

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The report was circulated to the following members prior to publication:

Local Member(s): N/a. This is a county wide matter
 Other members: Chair and Party Spokes of the Resources and Fire & Rescue Overview and Scrutiny Committee: Councillors Adrian Warwick, Parminder Singh Birdi, Sarah Boad, Caroline Phillips, and Will Roberts