

Status of Report: Public

Meeting: Combined Fire Authority

Date: 2 December 2021

Subject: Day Crewing Plus Duty System Update

Report by: The Chief Fire and Rescue Officer

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For: Information Only

Purpose

1. The purpose of this report is to update the Combined Fire Authority on the further activity undertaken regarding the withdrawal from the Day Crewing Plus (DCP) duty system.

Recommendation

2. It is recommended that the Combined Fire Authority notes
 - a) the pre-engagement activity undertaken to date and any proposed further activity (detailed in paragraphs 12-19 of this report); and
 - b) that a further update will be presented to the Combined Fire Authority on 9 February 2022.

Executive Summary

3. Following the DCP workshop for the Combined Fire Authority on 22 September 2021, officers have undertaken a number of activities to engage with staff. Further details of this can be found in paragraphs 12-19.
4. Given the significance of the topic, further activities will be delivered prior to a further update to the Combined Fire Authority at its next meeting on 9 February 2022. This will include a further Video across the Service and the offering of further events for staff to discuss matters.

Background

5. DCP (in a variety of local forms and names) has been introduced in a number of Fire and Rescue Services (FRS). It was introduced within LFRS in 2013 as an efficient and effective measure to improve fire cover across the county whilst absorbing a significant reduction in funding. Within Leicestershire, the system is currently in operation at six stations - Birstall, Castle Donnington, Coalville, Hinkley, Oakham and Wigston.

6. In 2017 a legal challenge was raised by the Fire Brigades Union (FBU) against a very similar system in South Yorkshire. The FBU successfully proved that the system did not meet the Work Time Regulations and the judge ruled accordingly in their favour.
7. The FBU is the only recognised trade union for the purposes of DCP. The requirements of the Work Time Regulations could be resolved if a collective agreement could be reached with a recognised trade union. However, the FBU has a national policy regarding DCP (and similar duty systems) and has been clear that it will not sign a collective agreement.
8. To resolve the issues, on 29 July 2020 the Combined Fire Authority resolved to
 - a) *move away from the current DCP crewing system in preparedness for the next IRMP 2024, and*
 - b) *that alternative options to replace the current DCP duty system, via an officer group working party of relevant stakeholder representatives, be developed.*
9. In support of this and through positive working arrangements with the FBU, a way forward was agreed and a joint statement signed between the FBU and LFRS which served multiple purposes. It signalled the intent of LFRS to withdraw from the DCP duty system, provided a reasonable timeline to do so, and also ensured that during the removal period, the enforcing body of the Work Time Regulations (the Health and Safety Executive) was satisfied with the legality of the approach.
10. Following this, officers formed a Shift Work Advisory Group, which comprised of managers of the Service, Local FBU representatives and representatives from the Fire Officers Association (FOA). This group looked at a number of alternatives to replace the DCP system and operated with three key principles:
 - i. Must maintain the Service's 10-minute average attendance time to life risk incidents.
 - ii. Must be affordable and sustainable within the foreseeable budget available.
 - iii. Must be compliant with the Work Time Regulations or achievable through a collective agreement.
11. The Shift Working Advisory Group has now produced a number of options for consideration. These were reviewed by the Senior Management Team and four viable options were then presented to the Combined Fire Authority in a workshop on 22 September 2021. It was agreed at this point to share the options with all staff for information and discussion, and also to seek their views on any possible improvements that could be made to the options, or indeed if there were any better options.

Activity undertaken since the CFA workshop

12. A video (VLOG) was created and released internally to staff by ACFO Weston as the chair of the Shift Working Advisory Group. This explained the background, work undertaken, the identified options, opportunity for staff contribution and the expected stages and delivery timeline. All supporting information and data were published on the Service's internal SharePoint site for staff to access. A toolkit was also shared to allow staff to plan, cost and develop their own variations or new options.
13. Four engagement events were planned and delivered. These offered both a "face to face" and a "virtual" option for attendance. These events took place at Central, Eastern, Wigston (relocated to Market Harborough) and Hinckley Fire Stations, with a reasonable uptake.
14. An email address was created for staff to feedback their alternatives for consideration. At 2 November 2021 there has been a rather disappointing uptake in this facility with only ten submissions or questions submitted.
15. Given the significance of the matter, officers feel that it is appropriate for another video to be released to staff stressing the importance of the matter, highlighting the limited feedback to this point and encouraging further contributions.
16. This is classed as pre-engagement activity as any proposed options will be subject to full public consultation as part of the Integrated Risk Management Plan consultation process in 2023/24.
17. Once the pre-engagement with staff has been completed the preferred options, including any new ideas and/or improvements suggested by the staff, will be fully evaluated and once completed will be presented to the CFA for consideration and inclusion in the IRMP public consultation.
18. Following the conclusion of the public consultation and analysis of responses, the CFA will then decide on the appropriate option to move forward with for introduction into Service.
19. Further updates will be presented to the Combined Fire Authority in due course.

Report Implications/Impact

20. Legal (including crime and disorder)

In the early stages of the DCP issues there were some significant legal risks associated with this work. However, progress to date has mitigated or removed these risks in a satisfactory way.

21. Financial (including value for money, benefits and efficiencies)

The DCP duty system is very cost effective. Any changes to the system that maintain the same levels of fire cover will almost certainly cost the CFA more. This has been factored into the Shift Working Group principles with only affordable options being considered. The Chief Fire and Rescue Officer and the Deputy Treasurer have actively been reviewing the budgets to ensure any system is affordable and sustainable for the future.

22. Risk (including corporate and operational, health and safety and any impact on the continuity of service delivery)

It is not yet realistic to detail the risk associated as this update is regarding pre-consultation with staff. However, it should be clear that any of the options put forward so far will not match the current provision of fire cover, therefore will attract some increased level of risk. As options are included in the IRMP consultation any and all foreseeable risks will be analysed and detailed.

23. Staff, Service Users and Stakeholders (including the Equality Impact Assessment)

The report provides an update on how staff are being engaged in the developments of the work stream and in pre-engagement activities. As expected, there has been some very mixed feelings on this matter. There are a number of frustrations and concerns from many parties. Staff are being encouraged to suggest other viable options for consideration but to date this has been limited.

24. Environmental

There are no environmental issues associated with this paper, however any changes within the Service (following IRMP consultation) may have an environmental impact that will need to be considered.

25. Impact upon “Our Plan” Objectives

Our plan and the 2020-24 IRMP specifically detail this piece of work: -

Aim 2 – We want to respond effectively to incidents, to do this we will *“Implement alternative crewing arrangements in the event of the Service moving away from the current Day Crewing Plus duty system”*.

Background Papers

Leicestershire Fire and Rescue Service, Our Plan 2020 – 2024,
<https://leics-fire.gov.uk/wp-content/uploads/2021/07/our-plan-2021-july.pdf>

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