

Status of Report: Public

Meeting: Corporate Governance Committee

Date: 18 November 2020

Subject: Industrial Action Business Continuity Planning

Report by: The Chief Fire and Rescue Officer

Author: Andy Galway, Area Manager – Service Assurance

For: Information Only

Purpose

1. To provide the Corporate Governance Committee with an update on progress made on the Industrial Action Business Continuity planning arrangements, specifically the employment of a third-party contingency provider, to ensure that appropriate arrangements are in place to continue service delivery in the event of industrial action and to satisfy the minimum response requirements of the Home Office.

Recommendation

2. It is recommended that the Committee notes the arrangements in place to employ a third-party contingency provider in order to put in place appropriate business continuity arrangements should the Leicestershire Fire and Rescue Service be exposed to periods of industrial action.

Executive Summary

3. The Combined Fire Authority (CFA) is required by law to have effective Business Continuity Plans and make every effort in the event of Industrial Action to maintain the full range of response services.
4. The CFA agreed at its meeting in September 2019 to approve the use of third-party contingency providers, supported by internal arrangements, in order to satisfy the minimum response suggested by the Home Office of maintaining six fire engines during periods of industrial action.
5. This report provides a summary of the approach adopted to ensure that there are appropriate business continuity arrangements in place should the Service be exposed to periods of industrial action that impacted on delivering the core function of a Fire and Rescue Service.

Background

6. The National Framework for Fire and Rescue Services 2018 states that “Fire and rescue authorities must have effective business continuity arrangements in place in accordance with their duties under the Civil Contingencies Act 2004. Within these arrangements, fire and rescue authorities must make every endeavour to meet the full range of service delivery risks and national resilience duties and commitments that they face. Business Continuity plans should not be developed on the basis of armed forces assistance being available”.
7. The CFA agreed in September 2019 to approve the use of third-party contingency providers, supported by internal arrangements, in order to satisfy the minimum response suggested by the Home Office of maintaining six fire engines during periods of industrial action.
8. This numerical figure of six equates to the Home Office guidance figure of maintaining 25% of their total number of operational fire engines as the minimum response during periods of industrial action. Senior Officers have previously provided assurance to the Home Office that the Authority’s minimum response of six fire engines (the Authority has 24 fire engines) is achievable.
9. However, due to establishment and personnel changes, the CFA was advised in September 2019 that there was less confidence that the number of staff that would be available to work in the event of industrial action would be sufficient to maintain the minimum response.
10. A project aimed to improve the Authority’s contingency response arrangements through the use of third-party contingency providers was agreed by the Senior Management Team (SMT) in October 2019. The project included reviewing associated policies and procedures.
11. Through this project approach, various stages were set out at the offset, with an aim to have project closure and a provider in place by July 2020.
12. In February 2020 a tender process was initiated through the East Midlands Tender Portal with a closing date of the 13 March 2020.
13. One provider submitted a response, the Project Board evaluated it and gave approval for their services on 18 March 2020, with procurement and legal assessments supported by Leicester City Council and Leicestershire County Council respectively.
14. There was an increase in the forecast costings of approximately six percent. The forecasted figure was based on details obtained during the summer of 2019 and the actual costs account for inflation. The Treasurer has been consulted, has assessed the impact and will tailor future forecasting of budgets in order to make the additional funds available. The SMT agreed to the deviation enabling the next stage to commence.

15. Due to the developing COVID-19 pandemic, this caused minor issues in finalising the contractual arrangements with the supplier. However, the three-year contract with an option to extend for a further two years in one-year increments commenced on 1 May 2020.
16. The associated procedures to support the triggering, implementing and deployment of the third-party provider arrangements have been completed.
17. By putting in place Business Continuity arrangements, the CFA now meets its obligations as set out in the duties under the Civil Contingencies Act 2004.
18. The Home Office, through their Inspectorate (Her Majesty's Inspectorate of the Constabulary and the Fire and Rescue Service), check and comment against the appropriateness of the Service's Business Continuity arrangements. It is anticipated that the next full inspection of the Leicestershire Fire and Rescue Service by the Inspectorate will be next year (the exact timing of this will be influenced by the present situation with the COVID-19 crisis).

Report Implications/Impact

19. Legal (including crime and disorder)

The Civil Contingencies Act 2004 requires Category 1 responders to maintain plans to ensure that they can continue to exercise their functions in the event of an emergency so far as is reasonably practicable. The duty relates to all functions, not just their emergency response functions.

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

- a) The costs associated with the use of the third-party provider are factored into our financial plans.
- b) The costs associated with accommodating the third-party provider if deployed is wholly dependent on the number of times and for how long they are used. Funding the use of them will be from earmarked reserves and the Treasurer is aware of this. The Treasurer will tailor future budget forecasts to accommodate this approach.

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

The Contingency Response Arrangements project has assessed all aspects of risk associated with the use of the third-party provider crews.

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

- i. The use of a third-party provider crews during periods of industrial action may not be popular with staff, especially those that need to

familiarise those crews with our equipment, fleet and estate.

- ii. The project invited representative bodies to engage during the various stages of the project, however representation was limited and only from the Fire and Rescue Service Association.
- iii. The arrangements with the third-party provider were communicated to the Staff Consultation Forum in September 2020 with an article in Service Matters (3 October) detailing the arrangements and why they are in place.

23. Environmental

There are no environmental implications arising from this report.

24. Impact upon Our Plan Objective

The Business Continuity Plan supports the Response strategy aim - respond effectively to incidents.

Background Papers

Report to the CFA December 2018 - Agenda item 9, Home Office Industrial Action Business Continuity Plan Review https://leics-fire.gov.uk/my-calendar/?mc_id=123

Report to the CFA 27 September 2019 – Agenda item 12, Industrial Action Business Continuity Planning https://leics-fire.gov.uk/my-calendar/?mc_id=140

Report to the CGC 11 March 2020 – Agenda item 13, Industrial Action Business Continuity Planning <https://leics-fire.gov.uk/your-fire-service/decision-making/cfa-meetings/>

Officers to Contact

Callum Faint
Callum.faint@leics-fire.gov.uk
07800709922

Andy Galway
andy.galway@leics-fire.gov.uk
07966111212