

Status of Report: Public
Meeting: Corporate Governance Committee
Date: 11 March 2020
Subject: Industrial Action Business Continuity Planning
Report by: The Chief Fire and Rescue Officer
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For: Information

Purpose

1. This report informs the Corporate Governance Committee (CGC) of actions taken regarding Business Continuity Planning following the Home Office review of the Authority's Business Continuity Plans in January 2019. This issue was considered by the Combined Fire Authority (CFA) at its meeting in September 2019 where it was agreed that future progress updates would be presented to the Corporate Governance Committee (CGC).

Recommendation

2. It is recommended that the Committee notes the progress made against the recommendations in the Home Office review in to Industrial Action Business Continuity Planning of Leicestershire Fire and Rescue Service.

Executive Summary

3. The 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. This report details progress made against the Home Office recommendations following their review of the Authority's Business Continuity Plans in 2018 and details other activities that strengthen Business Continuity arrangements.

Background

5. 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".
6. The Home Office review of the Authority's Industrial Action Business Continuity Plans was completed in May 2018, with the final report being received in January 2019. Work commenced on the recommendations contained within the

draft report and this was presented to the CFA at its meeting in December 2018. A letter was sent to the Minister of State for Policing and the Fire Service from the Chair of the CFA in January 2019, which provided an update on the progress the Authority was making against the recommendations. The CFA received a further report updating on progress made at their meeting in September 2019 and agreed that further updates on progress would be presented to the Corporate Governance Committee and escalated to the CFA as needed.

7. The Home Office suggest that Leicestershire Fire and Rescue Service (LFRS) maintain 25% of their total number of operational fire engines as their minimum response during periods of industrial action.
8. National issues such as pay and pensions could influence Representative Bodies to lobby their members for industrial action. The likelihood of Industrial Action as a result of local issues is low.
9. 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) during periods of Industrial Action is achievable. 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. The CFA agreed at their 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.
11. Following this Senior Officers initiated a project that secured the use of third party-contingency providers to ensure that the minimum number of six fire engines are available during any period of industrial action. A transparent tender process has been followed and it is planned that a contract will be in place with a third-party provider by the end of March 2020.
12. The Urban Search and Rescue provision is reliant upon a Return to Work agreement (RtW) with the Fire Brigades Union (FBU). The Chair of the National Fire Chiefs Council advised during 2019 that the review of this agreement with the FBU, which affects any local agreement, is still not in place.
13. The progress made against the Home Office recommendations is contained within the Appendix.

Report Implications/Impact

14. Legal (including crime and disorder)
 - a) The Authority has a legal obligation to provide fire and rescue cover under the Fire and Rescue Services Act 2004;

- b) The Authority has a statutory obligation to ensure continuity of business under the Civil Contingencies Act 2004.

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

- a) Assessing the value and benefits of implementing business continuity arrangements that support the provision of the minimum response requirements during periods of industrial action has discounted the use of reservists, retired employees, green book employees and the use of resilience contracts;
- b) Reviewing industrial action planning arrangements enables the Authority to re-examine their effectiveness and value for money and to consider whether alternative provisions in preparation for industrial action is necessary and appropriate.

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

- a) Industrial action by operational staff is recorded on the Corporate Risk Register and even with the activity that is complete or in progress in relation to strengthening Business Continuity Planning arrangements, it is difficult to be able to provide the CFA with assurance that the minimum response of six fire engines during periods of industrial action can be achieved until the services of a third-party provider is secured;
- b) The complexities associated with sourcing, training and managing suitable people, including those from other blue light and partner agencies, to crew fire engines during periods of industrial action are wide ranging and there are no guarantees that they will be available if needed.

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

- a) Experience shows that the impact of industrial action by operational staff has a detrimental impact on all employees leading up to, during and after periods of industrial action resulting from additional workloads, financial uncertainty as well as damaged working relationships between employees that exist long after the industrial action concludes;
- b) Service users may be negatively impacted by industrial action because of limitations on normal resources and the Service's ability to meet public expectations; Affected stakeholders include the other emergency services, local authorities and health authorities who all rely on the fire and rescues service to some extent to deliver their service and may be negatively affected by any industrial action.

18. Environmental

There are no environmental impacts as a result of this paper.

19. Impact upon Our Plan Objective

Our ability to maintain normal service delivery is severely hampered during periods of strike action. Prevention and Protection work will be maintained by staff on different terms and conditions not taking any industrial action.

Background Papers

CFA September 2019 – Agenda 12, Industrial Action Business Continuity Planning
<https://leics-fire.gov.uk/wp-content/uploads/2019/09/ia-business-continuity-plan.pdf>

Appendices

Appendix – Progress Against Home Office Report Recommendations

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