

Status of Report: Public

Meeting: Combined Fire Authority

Date: 30 November 2022

Subject: Industrial Action update

Report by: The Chief Fire and Rescue Officer

Author: Callum Faint, The Chief Fire and Rescue Officer

For: Information Only

Purpose

1. The purpose of this report is to update the Combined Fire Authority on the latest information regarding Industrial Action (including strike action) by the Fire Brigades Union (FBU).

Recommendation

2. The Committee is recommended to note the update and preparations for industrial action.

Executive Summary

3. Pay, Terms and Conditioned of “Grey book” or uniformed staff up to and including Area Manager, is negotiated through a national body called the National Joint Council (NJC). The NJC has put forward a pay award to Grey book staff of 5%, effective from June 2022.
4. The employees side of the NJC is represented by the Fire Brigades Union (FBU). Following a consultative ballot with its members, the FBU has strongly rejected the 5% pay offer and is now moving towards a full ballot for strike action.
5. Section 11 sets out the likely times scale and steps that will be taken, placing the likelihood of industrial action in early February 2023.

Background

6. The Fire and Rescue Service has a strong tradition and links to trade unions and representative bodies. This is the case with both uniformed and professional support staff.
7. The links are heavily underpinned by nationally negotiated and agreed pay, terms and conditions of employment. This is achieved through National Joint

Committees (NJC's) of which there are predominantly two covering the Fire Sector; one for unformed staff (Grey Book terms and conditions) and one for professional support staff (Green Book terms and conditions).

8. The Employers side of the NJC is made up from elected members appointed by the Local Government Association. The Combined Fire Authority and the Chief Fire and Rescue Officer are only consultees in the business of the NJC; they do not vote or take part in the meetings and negotiations.
9. Since the previous update on 28 September 2022 the Green Book employees have voted to accept a pay rise. This has been communicated and will take effect from the November 2022 pay run. This was a flat increase of £1,925 to all roles plus an additional day of annual leave per year, starting from April 2023.
10. The NJC offer to Grey Book employees of 5% across all roles was put forward to the Fire Brigades Union (FBU). This offer was not centrally funded and would need to come from existing Fire Service's budgets. However, this would be challenging for most Fire Services/Authorities across the country.
11. The FBU ran a consultative ballot with its members, with a strong advisory message to reject the pay offer. The consultative ballot closed on 14 November 2022. There was a 78% turnout to the ballot and of this, 79% of the returned vote was to reject the offer of 5%.
12. On 15 November the FBU further communicated its anticipated timelines to formally progress the pay dispute;
 - i. 21 November - intend to submit letters to employers setting out a trade dispute with them on the issue of pay.
 - ii. 28 November - intend to notify all employers of the intention to ballot FBU members for strike action.
 - iii. 5 December - intend to commence a postal ballot of all FBU members with a recommendation for a 'yes' vote for strike action.
 - iv. 23 January 2023 - close of ballot.
13. Subject to the outcome of the ballot the FBU will be required to give 14 days' notice of any intended strike action. In conjunction with the current time line, this would mean that the first possible strike action would be in early/mid-February 2023.

Business Continuity Planning

14. Under the Civil Contingencies Act 2004 and the Fire Services National Framework document (2018), all Fire and Rescue Services are defined as "Category 1" responders. This places a legal requirement on those responders to plan for "all foreseeable" risks and ensure that they are still able to perform their functions. Industrial action is considered as a foreseeable risk.

15. Under direction from the Combined Fire Authority, the Chief Fire and Rescue Officer has put in place business continuity arrangements that will ensure the CFA meets or surpasses the requirement placed upon it. The details of these arrangements were the subject of an exempt report which was presented to the CFA at its meeting on 28 September 2022.
16. As required the arrangements have been submitted to the National Resilience team and passed on to the Home Office for overview and scrutiny. The Home Office has not sought further information or assurance from the plans submitted.

Report Implications/Impact

17. Legal (including crime and disorder)

The Civil Contingencies Act 2004 places a requirement for Category 1 responders to plan for “all foreseeable risks” and to make plans to ensure they are able to “deliver their function in the event of an emergency”. The third party resilience contract ensures this requirement is met.

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

Financial risks were detailed in the report to the CFA on 28 September 2022. This information is subject to commercial confidentiality so not contained in this report.

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

As much planning and mitigation as possible has been put in place but the risks associated with, and impact of, industrial action remains high.

Whilst the Service will meet the guidance from the Home Office regarding levels of fire cover, this is still heavily reduced from normal cover across LLR. This will likely lead to increased attendance times, reduced ability to attend incidents and come at a financial cost.

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

The “people” risks and impacts are difficult to directly quantify but are very significant and may run for significant periods of time. This will not be easy for staff and is also made more difficult by the current economic climate and pressures people are facing. Some staff may not feel able to strike (for personal and/or financial reasons) and others will feel incredibly passionate about it.

21. Environmental

There is the possibility for environmental impact in the event of significant incidents during periods of industrial action. Reduced number of fire engines and specialist capabilities to fight fires may lead to a significant environmental impact.

22. Impact upon “Our Plan” Objectives

The impact on our plan will be significant. In effect all work would cease in the Service with a focus entirely on operational response during periods of Industrial action.

Officers to Contact

Callum Faint
Chief Fire and Rescue Officer
Callum.faint@leics-fire.gov.uk
07800 709922