

Industrial Relations

Purpose of the Report

To update the Fire Commission on fire service industrial relations.

Summary

This paper describes the timeline which led to the recent industrial action by the FBU; an overview of national business continuity arrangements and the framework agreement which is in place; and the activity the LGA has undertaken, including progress with setting up a joint working party to consider fitness and capability issues.

Recommendation

Members are asked to:

1. Note the issues set out in the paper; and
2. Discuss and provide feedback on the effectiveness of business continuity plans during the strike action on 25 September; and discuss any issues emerging locally.

Action

Officers to progress as appropriate.

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Pension scheme reform

1. Much of the industrial relations focus since the last meeting of the Fire Commission has been on the impact of Government proposals in respect of pension scheme reform.
2. You will be aware that both the Fire Brigades Union (FBU) and the Fire Officers Association (FOA) have registered trade disputes with relevant Ministers in England, Scotland and Wales in respect of the Government's reform proposals.
3. Whilst remaining unhappy with the reform proposals the FOA, which represents a number of middle managers, has not moved to ballot its members on industrial action.
4. However, since the last meeting of the Fire Commission the Fire Brigades Union has balloted its members in respect of discontinuous strike action and, following a 78% 'yes' vote, strike action took place on 25 September. The strike period, between noon and 4.00p.m, was described by the FBU as 'a warning shot'. We are not aware of any major incidents during that time and understand authority contingency plans worked effectively.
5. Strike action took place in England and Wales only. The FBU is currently carrying out a consultation with its members in Scotland on revised proposals put forward by Scottish Government. That consultation closes on 8 October.
6. The FBU's Executive Council has decided not to give notice of additional strike dates in England and Wales at this time. This will provide a further window of opportunity for resolution through discussion should all parties wish to. We understand soundings are currently being sought from local Brigade Committees about the future strike action and various options relating to it. This does not, of course, provide a guarantee of no announcement of further strike dates in the interim as obviously things can quickly change.
The FBU has announced a national demonstration and rally in London on 16 October. This is likely to have a wider focus than just the pensions dispute, raising concern around fire service 'cuts' as well.
7. Whilst this is a dispute between the FBU and Government, from an industrial relations perspective, we have taken whatever action we can through the auspices of the National Employers to assist fire authorities in dealing with the impact of the ballot outcome.

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8. For example, the FBU's General Secretary instructed the union's local officials that they could not reach local agreements in respect of any form of contingency arrangement. Consequently, we approached the FBU to explore the possibility of such arrangements at national level (albeit that the detail of any such arrangements could only be handled at local level). Discussion initially focused upon the principle of permanent minimum level of cover arrangements for individual fire authorities based on local need. Whilst the matter was actually debated by the FBU's Executive Council, in the end the response was that such an arrangement would not be possible.
9. Discussion then focussed on potential response to major incidents and agreement was reached in that regard, and circulated to fire authorities (circular NJC/9/11):

<http://www.local.gov.uk/web/workforcelibrary/fire-and-rescue-services-joint-circulars>.
10. This is a 'strategic framework agreement to facilitate and assist detailed discussion at local level'. There is no compulsion upon a fire authority to make use of the agreement. However, where a fire authority does wish to do so, FBU officials will be 'ready to respond' and the FBU will exempt from strike action those who wish to respond in such circumstances for the duration of the incident/s. It will also support such a response. There are separate agreements for England, Scotland and Wales but the substantive wording is the same. We understand such arrangements are now largely in place.
11. From an LGA only perspective:
 - 11.1 We have issued guidance to fire authorities on pay issues connected to industrial action as they relate specifically to employees covered by the National Joint Council's Scheme of Conditions of Service (Grey Book) as well as matters such as sickness absence, annual leave, employer discretion around pension contributions (in the context of the counting of strike time as pensionable service), dealing with pickets etc.
 - 11.2 There is a Frequently Asked Questions page on the website.
 - 11.3 We have directed authorities to the guidance produced by the LGA's employment law advisers on assessing the impact and implications of an industrial dispute, and deciding upon the appropriate response within the joint context of employment legislation and good industrial relations practice.
 - 11.4 We have responded directly to a significant number of individual fire authority queries on a number of related matters.

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- 11.5 The Workforce team has provided information to fire authorities including key messages it may wish to use in communicating with employees and for the same reason signposting factual information available on DCLG's website in connection with the fitness aspect of the trade dispute. The Chair of the Fire Service Management Committee, Cllr Hammond, wrote to all fire authority Chairs and portfolio holders in similar terms.
12. We continue to work closely with DCLG and the FBU, both separately and jointly, to assist the parties to the dispute where it is appropriate to do so. For example, the FBU has a concern about fitness in the context of a Normal Pension Age of 60, which is made reference to in the trade dispute notification letter to Ministers. Following a suggestion from the Minister in England to the FBU, we have worked in conjunction with DCLG and the FBU with a view to establishing a joint working party involving all three parties to consider matters around fitness and capability in the future. There have been a number of meetings to explore what this would mean in practice following the Minister including the following draft terms of reference in a letter to the FBU's General Secretary:
- 12.1 *'I am also content to establish a Joint Working Party with the employers to examine some of the workforce management issues that you raise. The draft current Terms of Reference for that group is:*
- 12.2 *The Joint Working Party note that pension age will undergo a separate, regular review.*
- 12.3 *This Joint Working Group will:*
- 12.4 *Consider aspects of the role that have been identified as the most physically intensive and how they impact upon an individual's ability and fitness to carry out their role over time:*
- 12.5 *Examine future options and trends in respect of continued employment and develop a best practice guide.'*
13. The LGA issued a press release regarding key safety messages in the days leading up to the strike (attached as **Appendix A**). Should further action take place this message can be refreshed and re-issued.

Appendix A

REDUCE FIRE RISKS AHEAD OF NATIONAL FIRE STRIKE

Fire bosses are warning the public to take extra care to be safe in their homes ahead of this week's planned firefighters strike. The Fire Brigades Union has called the first national strike in England and Wales for a more than a decade on Wednesday (25 September) in a dispute over government pension scheme proposals. Fire crews will walk out between noon and 4pm.

The Local Government Association, which represents all 46 fire and rescue authorities in England and Wales, said contingency plans are in place across the country to try and manage the impact of the industrial action. But, despite arrangements with private contractors and other arrangements which include senior fire officers and volunteers being primed to step in, a reduced fire and rescue service is inevitable.

With most fires in the home starting accidentally, people are being reminded about a few simple safety checks and advice to help reduce preventable call-outs including:

- Test your smoke alarms – you are twice as likely to die in a fire in your home if you don't have one. Also change the battery if needed.
- Smoking – never smoke in bed or in a chair in which you might fall asleep, stub cigarettes out properly and dispose of them carefully.
- Candles – keep out of reach of children, never leave them unattended, put them out properly and leave them to cool down before moving.
- Boilers - Make sure boilers have been serviced in the past 12 months to ensure they are safe.
- Electrics – turn heaters off, turn off electrical appliances and unplug when not in use.
- Open fires – have your chimney swept regularly, avoid burning wet wood, always use a fireguard and never use flammable liquids.
- Cooking – don't cook if tired or if you have been drinking, never leave pans unattended and make sure cookers are turned off when you have finished using them.
- Exits - keep door and window keys where everyone can find them and keep escape routes clear of rubbish or bulky items.

Local firms are also being urged to ensure their businesses, employees and customers are protected by taking simple steps such as testing fire alarms, keeping fire doors closed and making sure lifts are maintained and used correctly.

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Cllr Kay Hammond, Chair of the LGA's Fire Services Management Committee, said:

“Communities and businesses which rely on the essential service provided by firefighters will be hugely concerned by the FBU's strike action this week. Fire and rescue authorities will do everything they can to minimise the risk to public safety and all have contingency plans in place for day-to-day cover.

“But it would be wrong to pretend the service provided by fire crews, who are also regularly called to road accidents and weather incidents such as flooding, will be unaffected. That is why the public needs to be more careful than ever to reduce the risks of fire and to help them make the best use of their resources by avoiding preventable 999 calls.

“Making sure your smoke alarm is working, ensuring boilers are properly serviced, turning off unused electrical items and taking extra care when cooking are all simple ways to make sure people remain safe.”