

Appendix 2

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Business Continuity  
Framework  
FBU Industrial Action  
Merseyside

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## Industrial Action Business Continuity

### 1. Introduction

The purpose of this report is to outline the proposed business continuity strategy to protect the Merseyside community in the event of a strike action by the Fire Brigades Union (FBU) following their ballot which concludes on the 21<sup>st</sup> August.

In this respect the Authority has taken action and made arrangements pursuant to its statutory obligations, including those under:

- a) S.7 and 8 of the Fire & Rescue Services Act 2004 to make provision for firefighting and rescue from road traffic accidents as necessary to efficiently meet all normal requirements and to deal with calls for help.
- b) S.2 of the Civil Contingencies Act 2004 to assess and plan for industrial action with a view to seeking to prevent it and reduce, control or mitigate its effects, and to maintain plans for the purpose of ensuring so far as reasonably practicable that if industrial action occurs, the Authority is able to continue to perform its functions; and
- c) S.21 of the Fire & Rescue Services Act 2004 to have regard to the Fire & Rescue Service National Framework 2006-8 in carrying out its functions. This provides that FRAs should make arrangements for effective shared use of its resources, and that FRAs cannot assume that the armed forces will be available to provide cover in the event of industrial action by fire-fighters, and that accordingly FRAs will be expected to play an increasing role in contingency provision including the supply of all appliances and equipment required and the effective deployment of available personnel.

Clearly the prospect of strike action would place life and property at risk due to any of the primary functions of the FRA being removed.

In order to challenge these proposals the Fire Service Inspectorate will undertake consideration of our self sufficiency arrangements,

As a result of action taken and arrangements made to date the Authority anticipates that in the event of discontinuous and intermittent industrial action by firefighting personnel occurring in Merseyside that a fire engine will be available to provide fire and rescue cover from at least 20 of its 26 fire stations, and that existing and some limited further cover will be provided by other FRAs within the NW region .

Whilst, under normal circumstances, a total of 42 fire appliances are available to provide cover in Merseyside, an analysis of risk data undertaken by an independent company on behalf of the Authority indicates that the resources anticipated to be available during industrial action as indicated above will be sufficient to provide adequate cover in Merseyside, to the extent that the Authority will be 'self sufficient' (Attachment 1).

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In the absence of any definition, however, of 'self sufficient', an approach has been made to Her Majesty's Chief Inspector of Fire Services, who is the senior independent advisor to Government on such matters, to challenge and probe our contingency plans. This would be very helpful in determining whether they could be regarded as providing 'self sufficiency'.

These contingency arrangements will not amount to the 42 fire appliances the Authority normally provides. These 42 appliances mean that we reach our performance standard of:

<b>Pumps</b>	<b>1<sup>st</sup> Pump (mins)</b>	<b>2<sup>nd</sup> Pump (mins)</b>
Very high/high	5	8
Medium	6	9
Low/very low	7	10

on 90% of occasions.

Our own modelling predicts these standards will be met on 75.1% of occasions should we be operating under self-sufficiency arrangements, assuming an all out strike. If there is limitation placed on strike times, and the FBU strike responsibly, then performance can be increased to 88.4%.

However, with a view to providing further resilience, the Authority has formally requested the provision of additional military support for emergency fire and rescue cover would industrial action take place in Merseyside to meet its 90% performance standard.

It should be noted, however, the requirements placed on the Authority outlined above must be considered in the knowledge that the MOD are unlikely to provide for military aid in the event of a strike. The recent terrorist incidents make the prospect of military support even less likely.

## **2. Current Situation**

The planning assumptions contained within this report are based on the numbers of personnel who have signed the Fire Authority approved Resilience Agreement which contracts personnel to work as required for the duration of any business interruption (including industrial action by the FBU), and the number of personnel who have stated that they will work their contracted hours.

### **2.1 Available Personnel**

We are currently planning for 130 personnel available (who have all committed to to work during industrial action)

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This figure is rising on a daily basis, however our current planning assumptions are made on current staffing levels. The situation may improve from this point..

A number of Strategic/Middle Managers, will work in the Operational Support Room (OSR) at Service Headquarters (SHQ). The personnel from the SART will work normally, i.e. crewing the SART appliances, as will a number of the personnel working the LLAR duty system at Heswall and West Kirby (4 Supervisory Managers and 8 Firefighters

The Chief Fire Officer is not considered for the purposes of operational availability in order that he is available for the overall management of the Service. All Community Retained Firefighters at Southport will be working, and therefore N73 will be available during industrial action.

### **2.2 Total Availability**

The anticipated operational availability is set out below:

- A firefighting response of 20 fire appliances (Rescue Pumps),
- 1 Aerial appliance
- Full Search and Rescue capability (including New Dimensions response, co-responder, marine rescue, high level rescue). In addition the Search and Rescue Team will be available to deploy to all property fires and other non-fire life risk calls for the duration of any industrial action.
- Separate and additional small fire response unit(s).
- Separate and additional response for AFA.
- Uninterrupted community and statutory fire safety services.
- Full Fire Investigation Services.

All appliances will be staffed by competent personnel, and all safe systems of work will be complied with.

### **3. Resource Disposition**

After extensive consideration of analysis by Process Evolution coupled with professional judgement an appliance matrix has been developed.

Given the numbers of personnel available it is anticipated that 20 appliances, the SART and a CPL will be available during periods of peak demand with a minimum level of 16 appliances, the SART and a CPL during other periods with the remaining 4 appliances available for recall within 30 minutes..

#### **3.1 Deployment Locations**

The most appropriate location and that assumed for the resilience model are existing fire stations.

### **3.2 Appliances and Equipment**

Rescue pumps located at existing fire stations will be deployed for the duration of any strike.

### **3.3 Interim Attendance Standards**

With 20 appliances deployed it is predicted the current performance standards of attendance to property fires (domestic and commercial) will be achieved on 75.1% of occasions. The Authority could temporarily vary these standards during periods of industrial action.

The SART will deploy to all life risk special services calls as they do currently but also respond with the Hazmats Unit (HMU) to any chemical incidents which require the implementation of full decontamination procedures.

## **4. Mobilisation**

The mobilisation operation will be managed from the SHQ Operational Support Room utilising competent and trained personnel.

The SHQ Operational Support Room provides a mobilisation capability identical to that of MACC.

## **5. Training Issues**

Given that a large number of the interim Firefighting team are Strategic and Middle Managers a programme of refresher training has been devised and is nearing completion. It should be noted that those staff involved in the refresher training are highly experienced fire-fighters with considerable operational and command experience.

The course meets the required outcomes, which are to provide sufficient training to safely meet a firefighting strategy in the area of risk to life scenarios.

## **6. Business Continuity**

For the period of any industrial action time spent on community protection will ensure a 'business as usual' approach with the development of fire and rescue skills and the delivering home fire safety checks (HFSC's).

## **7. Communications**

### **7.1 Internal Communications**

An extensive series of briefings have been conducted with operational staff to ensure all the facts of the current situation are brought to their attention and to try and dispel many of the myths that have been perpetuated in the run up and during the ballot. All associated correspondence has been put in the public domain most notably on the MFRS website,

## 7.2 External Communication

Any communications exercise will be extended to advise the public as to changes in response arrangements and to mitigate the impact of any industrial action.

The Director of Corporate Communications has prepared a number of briefing sheets in respect of all the issues under dispute.

## 8. Exemptions.

The TUC adopted a Code on the Conduct of Industrial Disputes in 1979. In paragraph 6, entitled 'The Provision of Emergency or Essential Services and Maintenance of Plant and Equipment', it states:

**"..... the General Council advise that for the duration of an industrial dispute, the union (unions) involved should, where necessary, make arrangements in advance and with due notice, in consultation and preferably by agreement with the employer, for the maintenance by their members of supplies and services essential to the health or safety of the community or otherwise required, to avoid causing exceptional hardship or serious pollution".**

These guidelines are followed by other trade unions, the most recent example in Merseyside being when Unison exempted a number of their members from taking industrial action, to maintain services to our fire appliances, and keep fire engines available.

Therefore the Authority have asked for some specific exemptions from the FBU. The purpose of this request is to maintain services which are essential to the health and safety of the community and to avoid causing exceptional hardship. Exemptions have been requested for FBU members at the following fire stations from taking part in industrial action:

- Southport
- Upton
- Birkenhead

### 8.1 Southport

Southport fire station is at the extremity of our border. It is unique in Merseyside, in terms of our deployment of three fire engines at Southport. No other fire station in Merseyside has three fire appliances and to the best of our knowledge no other fire station in the country has three fire engines, although we have not undertaken extensive research into this matter. In the consultation process the Authority undertook on whether to keep a third appliance at Southport, the FBU strongly advocated the need for three fire engines, reinforcing the somewhat isolated nature of Southport as the reason for three fire engines.

### **8.2 Upton**

The second fire station of concern is Upton on the Wirral. This fire station is located virtually in the centre of the Wirral peninsula and gives excellent fire cover to the whole of the Wirral. We ask the FBU to give exemption from industrial action to its members at Upton in order that they may continue to provide strategic fire cover to the Wirral in case of industrial action.

### **8.3 Birkenhead**

The third fire station of concern is Birkenhead. Birkenhead provides first response to the Tranmere oil terminal site and associated risk. We believe it is important to the economy of the region and to the safety of the surrounding community that we maintain a high level of response to this risk, and we therefore ask the FBU to exempt its members at Birkenhead fire station from industrial action.

Sadly, at the date of this report (14<sup>th</sup> August) no response has been received from the FBU and the planning assumption is that no exemptions will be granted and the FBU will not comply with the TUC guidelines.