



NOT PROTECTIVELY MARKED

05 - Industrial action - contingency arrangements - Exec 02 09 13

Executive Committee

Date: 2 September 2013

Agenda Item:

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Submitted By: [Submitted By]

- Purpose** To inform Members of the contingency planning arrangements being put in place in response to potential strike action called by the Fire Brigades Union.
- Recommendations** (i) That Members endorse the contingency planning arrangements developed;
- (ii) That approval be given for the Chief Fire Officer / Chief Executive, in consultation with the Chair of the Authority, to submit a request to the Secretary of State requesting Military support should he deem this necessary.
- Summary** The Fire Brigades Union is balloting its members for strike action in relation to a trade dispute over changes to firefighters' pensions. The Fire and Rescue Authority has statutory duties under the Fire and Rescue Services Act 2004 for the provision of a fire and rescue service and under the Civil Contingencies Act 2004 they have a duty to assess the risk of, and plan for, industrial action. This report provides Members with an overview of the contingency arrangements to ensure, so far as reasonably practicable, that, if industrial action occurs, the Authority is able to continue to perform its functions.

Local Government (Access to information) Act 1972

Exemption Category: None

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Background papers open to inspection: None

Annexes: Industrial Action Impact Analysis - August 2013

1 Introduction

- 1.1 In common with the rest of the public sector, firefighters' pensions are being changed as part of a wider pensions reform programme. Negotiations on changes to the Firefighters' Pension Scheme 1992 and the New Firefighters' Pension Scheme 2006 have been ongoing between Government and the Fire Brigades Union (FBU) for a considerable period and a "final offer" was presented by Government on 19 June 2013; this has subsequently been amended to give additional protection to allow firefighters to retire from age 55 years (changed from 57 years) albeit with an actuarially reduced pension. The FBU have rejected the final offer and balloted their membership for strike action. Whilst the dispute relates to pensions reform and only the Minister with responsibility for fire service pensions can address the points raised by the FBU, it is technically regarded as a formal dispute with the employer (Fire and Rescue Authorities). The Fire Officers' Association (FOA) has also registered a dispute with Government and employers but they currently have a "no strike" policy.
- 1.2 The FBU ballot for strike commenced on 18th July 2013 and closes on 29 August 2013. In the event of a vote in favour of a strike, the first possible date for strike action is 8 September 2013. The results of the ballot and any further information in relation to strike dates etc. (if available) will be reported verbally at the meeting of the Executive Committee.
- 1.3 Under the Fire and Rescue Services Act, West Yorkshire Fire and Rescue Authority (WYFRA) has a statutory duty to make provision for fire-fighting and rescue from road traffic accidents as necessary to efficiently meet all normal requirements and to deal with calls for help. Under the Civil Contingences Act 2004, it has a duty to assess the risk of, 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. The Authority must also have regard to the Fire & Rescue Service National Framework in carrying out its functions. The National Framework 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 to meet the full range of service delivery risks. Government has made it absolutely clear that business continuity plans should not be developed on the basis of Armed Forces assistance being available.
- 1.4 These statutory duties are administrative targets and not absolute performance duties and the public at large cannot sue for the consequences of non-performance. However, it is clearly prudent to develop realistic contingency plans and, as far as is reasonably practicable, implement those plans to safeguard the public in the event of industrial action.
- 1.5 This report provides information for Members, summarising the contingency plans for industrial action that form part of a wider range of business continuity plans for staff shortages and other significant events which have the potential to impact on service delivery. The report also informs Members of the actions taken to date in preparation for industrial action. An impact assessment for industrial action has been produced (Appendix A) highlighting the impact from the perspective of the community, the organisation, employee safety and equality and fairness.

2 Information on Contingency Plans

2.1 Industrial Action Business Continuity Plans

- 2.1.1 The Industrial Action Business Continuity Plans have been developed against a number of planning assumptions. All the plans cover the following aspects:
- The planning arrangements in place for periods of Industrial Action.
 - The mobilising and command and control arrangements for instances when fire appliances will not be mobilised by WYFRS to provide an emergency response.

- The stakeholders (persons, organisations, agencies and bodies) who need to be informed/receive communication when the Authority will not be in a position to provide an effective emergency response.
- Prevention and protection arrangements as a result of not providing an emergency response.
- The welfare provision to ensure the health and safety of WYFRS employees.

2.1.2 Individual plans have been developed to cater for the worst case scenario, i.e. that no operational resources will be available and emergency cover would need to be provided by another organisation, up the minimum acceptable standard of emergency cover that the Fire and Rescue Authority would consider without requesting additional assistance from Government. The following sections provide information on analysis of the most likely scenario for the current dispute.

2.1.3 The plans consider the potential tactics to be employed by the FBU in terms of the duration of any strike. This could be a short period of action, (several hours up to a complete shift), periods of 24 hours, or periods greater than 24 hours up to continuous strike action. Clearly the duration of any strike will have implications for contingency arrangements, with shorter periods being far easier to resource.

2.2 Crisis Management Arrangements

2.2.1 All business continuity arrangements are supported by a management structure which can respond to any crisis. The Crisis Management Team (CMT), chaired by the Chief Fire Officer/Chief Executive or in his absence the Deputy Chief Fire Officer, is convened whenever a crisis is anticipated or occurs and is responsible for creating and approving the Gold Strategy, maintaining focus on delivery of the strategy and ensuring appropriate resources and approvals are in place to deliver the contingency plan. A number of working groups sit beneath the CMT, developing and delivering tasks and activities to meet the contingency plans and to deliver the Gold Strategy.

2.2.2 The business continuity plans seek to promote delivery of an emergency response to incidents and also the continuation of normal day-to day services, including community safety, fire prevention and fire protection during periods where staff shortages are anticipated to fall well below normal levels. Contingency plans have been developed to cater for all foreseeable circumstances of staff shortage, including a pandemic flu outbreak and industrial action. This particular circumstance is a trade dispute involving operational personnel who are FBU members, the vast majority of whom are members of one of the two firefighters' pension schemes. The plans being developed assume that any employee who is affected by the pension changes may withdraw their labour, including non-union members and members of FOA. The dispute does not currently include Control Staff or support staff, who are members of other pension schemes.

2.2.3 The Authority should acknowledge that the service being provided as part of the contingency plans will, in most likelihood, not be as effective as the normal service. Response times in many areas will be longer, the capabilities of the response will be limited and there will undoubtedly be increased risk to communities. The control measures developed as part of the contingency plans will, as far as is reasonably practicable, ensure the health safety and welfare of employees. Industrial action on a major scale will however, inevitably have an impact on public safety.

2.2.4 It is anticipated that the receipt of emergency calls and dispatch of resources will remain largely unaffected. A wide range of community safety activities, including fire safety enforcement can also continue to be delivered by non-operational staff. Support functions such as ICT, vehicle maintenance, finance etc. will remain largely unaffected.

2.3 Emergency Response

- 2.3.1 Clearly, the most significant challenge associated with contingency planning for industrial action is the availability of sufficient numbers of appropriately skilled and equipped personnel to respond to emergency incidents. It is not possible to make accurate predictions in terms of staff availability and therefore steps must be taken based on a worst case planning assumption. For planning purposes, contingency arrangements are developed in an attempt to meet 60% of the approved Risk Based Planning Assumptions (response times). This is considered to be the lowest level of service that is appropriate in extreme and unavoidable circumstances (see Impact Assessment - Appendix A). This level of service requires the provision of a minimum of 20 pumping appliances.
- 2.3.2 In itself this is a significant challenge and, in the event of the Authority being unable to implement a plan which delivers this level of service, it may be necessary to seek additional support. This may include the need to formally request military assistance. Whilst Government has made it clear that such assistance cannot be relied upon, they do have ultimate responsibility for public safety and the Authority will wish to inform them that it has taken all reasonably practicable steps to ensure business continuity, but that it regards the resources it has available to be insufficient to meet the lowest acceptable standard of emergency cover or, in the event of a major incident, its resources are deemed inadequate to ensure public safety. The Authority are asked to give permission for the Chief Fire Officer/Chief Executive, in consultation with the Chair of the Authority, to request such assistance if deemed necessary.
- 2.3.3 The contingency plan currently includes an assumption that a number of firefighters and officers will work but that these will need to be supplemented by the recruitment of sufficient people from the community who are willing to be Community Response Operatives (CRO), including Driver Pump Operators to crew 20 fire appliances. The first stage of the process of recruitment and training is underway. The CRO's are being employed on specific contracts, have been paid for the time they have been training, and will receive payment for any shifts they work. They will also receive an 'end of period' bonus payment as an incentive to commit to working shifts after their initial training. Each CRO will also be required to train for four hours per week to maintain their skills and competence. WYFRS non-uniformed support staff can apply for the CRO roles and an appropriate remuneration package has been developed should this be necessary.
- 2.3.4 In the past, due to the fact that the military has provided the vast majority of resources to respond to emergencies during a strike, it has not been necessary to utilise WYFRA premises. On this occasion, WYFRA premises, vehicles and equipment will need to be utilised. A request has also been made to utilise military establishments in West Yorkshire for standby/logistical purposes should this prove necessary.
- 2.3.5 Whilst it is impossible to know exactly how many firefighters and officers will turn up to work during any strike, operational personnel have been asked to indicate their intentions. Some have stated that they are only prepared to work their normal shifts but others are prepared to work more flexibly. Payment for those who work will be consistent with current practice, with additional payments for flexible working, standby and overtime.
- 2.3.6 An assessment of the intentions of On-Call firefighters (Retained Duty System) indicates that there may be fire appliances available to support emergency cover, although some have indicated their wish to operate in accordance with their normal arrangements by providing cover in their own communities and not be moved to cover higher risk areas as part of pre-deployed contingency arrangements.

2.3.7 A letter has been sent to all firefighters who have retired in the last two years asking if they would be willing to provide cover. These people will be assessed and, where necessary, given refresher training so that they can provide a full firefighting and rescue capability. Those who have not been able to match the appropriate standards for a fully competent firefighter/officer, will be deployed as CRO's. Special contracts based on payment appropriate to the role they are undertaking have been developed.

2.3.8 A verbal update on the very latest position in relation to available resources will be provided at the meeting.

2.4 Community Safety, Fire Prevention and Fire Protection

2.4.1 The contingency plan covers community safety, fire prevention and fire protection activities. In the case of this particular dispute, where it is anticipated strikes would initially affect single shifts only, the vast majority of these services are likely to remain unaffected. The impact of the loss of operational staff undertaking work for short periods, for example Home Fire Safety Checks, is not significant and any lost activity can be picked up throughout the remainder of the year; it is unlikely that output targets will be missed. This situation will, however, change should the dispute become protracted and/or strikes take place for more than single shifts. The most important aspect of the contingency arrangements for this area of service delivery relates to the need to raise awareness of the increased risk arising from the reduced response service.

2.4.2 In preparation for any potential strike action, there has been a review of the Fire Safety Strategy, in order to consider which elements may be affected. The vast majority of the strategy remains "fit for purpose", within the context of a period of industrial action, however some areas have been identified for further consideration. In relation to Fire Protection (enforcement), all staff are now conditioned to the Green Book and as such the Fire Protection Audit programme and the ability to deal with any complaints or dangerous conditions is maintained. Due to the reduced number of crews available, the Operational Risk Visit programme will be affected with approximately twenty visits not completed per day of strike action. However, the programme will still meet the current targets unless strike action is particularly prolonged.

2.4.3 In order to ensure that business safety is maintained, a booklet has been produced for businesses and this will be sent to some 8000 higher risk premises in the days immediately prior to any strike action.

2.4.4 The absence of crews will reduce the number of Home Fire Safety Checks that can be carried out during any days affected. In order to mitigate this, there is an on-going programme to reduce any outstanding checks prior to any action. Green Book staff will be available to carry out checks for those at greatest risk throughout any dispute. Further preparatory work is underway with local authorities to remove any potential rubbish and waste from the streets prior to any action and thus reduce the possible fuel for deliberate fires.

2.4.5 The Young Firefighters' Scheme is likely to be affected and so all schools involved are to be contacted by the end of August as a precautionary measure and further, more detailed, discussions will take place to appraise them of the situation closer to any strike occurring.

2.4.6 A Community Engagement Strategy has been developed that makes use of the press, broadcast media and social media in order to improve public safety, raise public awareness of the risks and reduce any likely calls during a period of strike action. Discussions are taking place in the region in an attempt to coordinate community safety messages with the media.

2.5 West Yorkshire Resilience Forum

- 2.5.1 The West Yorkshire Resilience Forum, which consists of representatives from the blue light services, local authorities, military, public utilities, health service, etc. is meeting as required to consider the implications of the potential strike and providing support where it is able. WYFRS is providing regular briefings and assessments for partners to consider how they can mitigate the impact of any strike across West Yorkshire and, in particular, how it may affect their area of activity, for example the Ambulance Service receives support in casualty care from firefighters attending road traffic collisions and this service may be significantly affected.

3 Communications Strategy

- 3.1 A comprehensive Communications Strategy and plan have been developed for internal and external communications. Although this dispute is between the FBU and Government, there is a need to supply information to our workforce in relation to both sides of the argument so that informed decisions can be taken. All information produced by Government and FBU is placed on the intranet site and answers to Frequently Asked Questions (FAQ's) are also provided.
- 3.2 This process is being supplemented by officers visiting every Watch on every fire station and also in Control. The intention is to provide an opportunity for face to face communication to answer questions, clarify any areas of confusion, provide an explanation of contingency plans being put in place and to reassure in equal measure, those wishing to work and those contemplating strike action.
- 3.3 The Communication Strategy incorporates a range of initiatives to deliver fire safety messages and increase awareness during the dispute.
- 3.4 Dialogue is being maintained with FBU officials on a regular basis in an attempt to alleviate tensions, improve understanding of respective positions and attempt to reach agreement on any issues which may impact at a local level. The intention is to maintain a non-confrontational approach with the FBU and workforce and yet stress the importance of maintaining public safety during any dispute and the need for early consideration of post-dispute resolution. In accordance with the TUC Code of Conduct on Industrial Disputes, a formal request has been made to local FBU officials, asking for an indication of the availability of firefighters in the event of a major incident (recall to duty/suspension of strike) and consideration of the FBU, at local level, for supporting a basic minimum level of emergency cover in the interest of public safety.

4 Financial Implications

- 4.1 It is estimated that the cost of equipping and training the CRO's and drivers will be in the region of £60,000 which will be met from within contingencies. Any additional cost in terms of turnout fees during any industrial action will be met from the resulting savings in salary costs. There may be additional costs associated with publicity and this will also be met from contingencies.
- 4.2 In the event of any request being made for military support for local emergency cover and Government being willing to provide such support, the Authority will be liable for the full costs. This may be in excess of any savings arising from salary costs.

5 Equality and Diversity Implications

- 5.1 Even with significantly reduced resources during a dispute, WYFRA needs to deliver its services equitably. Under normal circumstances communities receive varying levels of service that are relative and proportionate to risk. Higher risk areas will therefore benefit from increased levels of prevention, protection, and response services compared to lower risk wards. During an industrial dispute Prevention and Protection services should be largely

unaffected but Response services will be affected, albeit the reduced resources will still be distributed based on risk and therefore will be equitable.

- 5.2 There are a number of other implications associated with an industrial dispute. Employees are entitled, as part of a lawful trade dispute, to withdraw their labour. Clearly this will have implications for their pay, pensions and allowances for the period they are not working but should not result in any further punitive action by the employer, which would amount to victimisation.
- 5.3 During and following industrial action, there can be significant tensions between those who choose to work and those who do strike. Where there is any evidence of victimisation and / or harassment and bullying, firm action will be taken in accordance with existing policies.

6 Health and Safety Implications

- 6.1 The provision of an emergency service has significant health and safety implications. The impact of industrial action involving a firefighters' strike presents additional risks to the community and those involved in responding to emergencies during a strike. The Fire and Rescue Authority also takes on additional risks. The benefits of providing a limited emergency response service in accordance with established contingency plans far outweigh the option of not providing any service at all.
- 6.2 Risk assessments have been undertaken and Standard Operating Procedures developed to take account of the limited capabilities of the response service being provided. Whilst some firefighters and officers may work during the strike, providing a professional response, they will be limited in number and insufficient to deal with all eventualities. It is therefore necessary to supplement these with the CRO's. Within the timescales available, thorough training has been provided for all involved to ensure they are capable of undertaking the limited firefighting role they are expected to fulfil. They cannot, and will not, be permitted to undertake activities beyond that which they are trained and equipped to deal with.
- 6.3 There will be potential for increased risk to members of the public arising from dispute and the reduced service that will be available. This risk will, to some degree, be mitigated through high profile awareness campaigns which form part of the contingency planning arrangements. Experience has shown that the public actively respond to such campaigns during industrial action and call volumes decrease.

7 Service Plan Links

- 7.1 The ambition of WYFRA is to make West Yorkshire Safer and clearly, the need to take all reasonably practicable steps to maintain service delivery during an industrial dispute, is an important aspect of this ambition. The aims of the Authority, contained in its Service Plan, are listed below and the contingency planning arrangements are consistent with these aims:
- Deliver a proactive prevention and protection programme
 - Deliver a professional and resilient emergency response service
 - Provide a safe and competent workforce
 - Provide effective and ethical governance and achieve value for money in managing resources

8 Conclusions

- 8.1 An industrial dispute between the FBU and Government exists and may result in a vote in favour of strike action. The Chief Fire Officer/Chief Executive has taken all reasonably practicable steps to develop contingency plans to deliver a fire and rescue service during any period of strike. Whilst it is acknowledged that this service will be no match for the normal arrangements, it will provide effective prevention and protection services, suitable call receipt and mobilisation arrangements and a basic, if limited, emergency response capability.
- 8.2 Application of the contingency arrangements will require a large degree of flexibility and reactive management against the overall plan of strike action implemented by the FBU. The contingency arrangements will be far more effective during short periods of strike action but, where the FBU select to use longer periods of strike action in excess of 24 hours, the plans become less robust and the standard of service being provided will inevitably be much lower.

Industrial Action Impact Analysis

August 2013

1. Scope

1.1. This analysis forms part of the contingency planning arrangements for industrial action. It focuses on the effect that industrial action may have on different elements of the service. It assumes that WYFRS's business continuity arrangements will deliver a minimum level of critical services during periods of industrial action. The analysis is comprised of four separate assessments to show how temporary arrangements affect WYFRS's ability to deliver its critical functions. The analysis does not replace specific risk assessments completed for different elements of WYFRS activities.

2. Context

2.1. The Fire Brigades Union (FBU) is currently balloting firefighters to take strike action over proposed changes to pensions. The ballot commenced on 18 July and ceases on 29 August. The majority of WYFRS employees are members of the FBU and therefore a vote in favour of strike action presents a significant risk to the community of West Yorkshire. The absence of an effective fire and rescue service endangers local communities. It also places local businesses at heightened risk from fires and other emergencies. Whilst WYFRA remain hopeful that industrial action will not occur it must ensure, as far as is reasonably practicable that communities are as safe as possible. This necessitates the need for contingency planning to deliver a fire and rescue service during a strike.

3. Fire Authority Duties

3.1. The Fire and Rescue Services Act 2004 identifies the core functions for fire authorities. It states that all fire authorities must make provision for:

- a) giving information and advice to prevent fires and related deaths and injuries
- b) fighting fires in its area
- c) rescuing and protecting people from road traffic collisions

3.2. The Civil Contingencies Act 2004 places a number of duties on fire authorities. It requires fire authorities to maintain plans that ensure delivery of core functions.

3.3. The Fire and Rescue National Framework for England also requires all fire authorities to have effective business continuity arrangements in place. These need to address all service delivery risks without reliance upon military assistance.

3.4. WYFRS's business continuity plans reflect the above requirements. They also help WYFRS to deliver its critical functions when anticipated and unanticipated events affect business continuity.

4. WYFRS Industrial Action Contingency Planning

4.1. WYFRS assesses and develops control measures for organisational risks. A risk management matrix records the outcome of these assessments. The risk (Likelihood x Severity) posed from industrial action is categorised as "high." This assessment reflects the impact of reduced service delivery and the effect on WYFRS's reputation.

4.2. The risk matrix shows that the main control measure for industrial action is to maintain effective business continuity plans. WYFRS has therefore developed a series of contingency plans that support the delivery of resilient prevention, protection, and response services.

4.3. WYFRS has developed a Community Engagement Strategy. It highlights how WYFRS will communicate with stakeholders prior to and during periods of industrial action while supporting prevention and protection activities. The purpose of the strategy is to:

- maintain public safety

- reassure stakeholders
- reduce the number of emergency calls received by WYFRS

During periods of industrial action involving the Fire Brigades Union only, WYFRS will adopt a “business as usual” approach to prevention and protection activities. Prevention work will continue targeting areas at higher risk. Protection activities will also continue in a similar manner because all WYFRS fire safety inspectors are under Green Book terms and conditions.

- 4.4. WYFRS has several contingency plans for providing an emergency response service during industrial action. These plans reflect various planning scenarios, for example, the number of available staff and the duration of industrial action. Generally, these plans require 20 front line fire appliances to deliver a meaningful and effective service. They also support the location of resources where they provide optimum response to house fires and road traffic collisions (life risk).
- 4.5. Current contingency plans include the option to employ two types of fire and rescue capability:
- fire appliances crewed by fully trained firefighters
 - fire appliances crewed by Community Response Operatives (CROs)

CROs are individuals recruited by WYFRS on special contracts. They will receive training that will enable them to perform basic firefighting operations. CRO appliances will respond to the same type of incidents as those crewed by professional firefighters who choose to work during the strike, however, the tactics used will reflect their basic training and competence levels.

- 4.6. Recently retired firefighters have been contacted asking if they are willing to work. They will be individually assessed in relation to fitness and competence and may be selected to operate as a professional firefighter, a CRO or as a driver/pump operator.
- 4.7. Four separate assessments highlight the impact of the contingency arrangements. They help to show how temporary arrangements affect WYFRS’s ability to deliver its critical functions and the impact of this upon;
- communities
 - the organisation
 - employee safety
 - equality and fairness

The following sections summarise the outcome of these assessments.

5. Community Impact Assessment

- 5.1. WYFRS currently employs around 1250 operational firefighters. It has a fleet of 54 front line fire appliances and several specialist vehicles. These resources provide a high standard of emergency response to the communities of West Yorkshire.
- 5.2. Detailed modelling underpins WYFRS’s integrated risk management plans. It reflects performance against Risk Based Planning Assumptions (RBPA) which are planned response times for life risk, property risk and other incidents.
- 5.3. The RBPA provides a theoretical base level of resources for planning purposes, determining where to locate resources. It does not set a guaranteed response time but is continually monitored and performance can vary depending on a number of factors, including the times when a major incident is being dealt with or when a large number of smaller incidents occur simultaneously. WYFRS is currently meeting the life risk RBPA across the whole of West Yorkshire on 87% of occasions, which represents a very high standard of performance. This

means that WYFRS attend the majority of house fires and road traffic collisions within seven to eleven minutes depending upon the risk category for the area.

- 5.4. Performance against the RBPA deteriorates gradually once the number of front line fire appliances falls below 39. Performance then deteriorates more rapidly when the number of available front line fire appliances falls below 20. WYFRS have determined that a minimum of 20 front line fire appliances would represent the lowest acceptable level of service in extreme circumstances of staff shortages (e.g. Industrial action or pandemic flu outbreak). This provision means that the RBPA can be met on 60% of occasions.
- 5.5. Fully trained firefighters, Flexible Duty System (FDS) officers, and CROs will crew WYFRS appliances during periods of industrial action. The contingency plans identify the optimum location for any given number of front line fire appliances. A command centre will monitor emergency response cover and relocate resources to provide the optimum response to house fires and road traffic collisions.
- 5.6. Each year, WYFRS responds to around 3,000 special service calls, for example technical rescues and hazardous substance spills. Several large fires also occur every year requiring specialist equipment and skills, including high reach (aerial appliance) firefighting capability. While the base level of 20 appliances provides a meaningful and effective response to smaller fires, this may not be achievable at incidents of a more technical nature.
- 5.7. Employment of CROs allows WYFRS to provide a basic level of emergency cover. This is enhanced by the capabilities of professional firefighters who choose to work during periods of industrial action. WYFRS anticipate several firefighters booking available for duty during any forthcoming industrial action.
- 5.8. Call handing and dispatch of resources will remain largely unaffected because Control Staff are not involved in this dispute.
- 5.9. The outcome of this impact assessment is that most areas of the county will continue to benefit from a relatively swift emergency response. The capability of this response is however dependent upon the competency level of the crew. Fully trained firefighters will deliver a service comparable to normal, albeit with extended response times in some areas. A fire crew comprised of CROs will need to resolve incidents using different tactics and skillsets, for example not entering buildings to fight a fire, which may, in certain circumstances increase property damage. Increases in response times may also increase property damage.

6. Organisational Impact Assessment

- 6.1. For several years, WYFRS has benefitted from good industrial relations with employees and representative bodies. The current strike ballot by the FBU poses a serious threat to the sustainability of these relationships.
- 6.2. There are divided opinions amongst WYFRS's employees regarding pensions and industrial action. There is also confusion over the details of pensions and why the FBU is calling for strike action. Senior management is trying to clarify issues via a coordinated communication strategy. This strategy includes visits to fire stations, providing regular bulletins and responding to questions. The strategy is resource intensive and affects senior managers' capacity to perform some other functions.
- 6.3. Contingency planning is also having a significant impact upon departmental workloads. For example, the need to recruit and train CROs and developing revised operational procedures. These demands reduce the capacity of the organisation, in particular Human Resources and Operations Group, to deliver against departmental objectives.
- 6.4. WYFRS's contingency plans provide a range of working patterns suitable for use during continuous and discontinuous periods of strike action. Whichever duty system WYFRS uses is

likely to result in some disruption to prevention, protection, and response activities. Some of these duty systems may also be unsustainable during extended periods of industrial action and may require modification.

- 6.5. Industrial action represents a breach of the employment contract between WYFRS and the employee. WYFRS will therefore treat industrial action as partial performance and withhold pay for the duration of action. Non-payment of wages will help to meet the costs associated with recruiting, training, and paying CROs.
- 6.6. The outcome of this impact assessment is that WYFRS is investing a great deal of time and in providing information and resources while preparing for industrial action. This is affecting the capacity to deliver other objectives. There is also a cost element associated with contingency arrangements which are already being incurred. These are covered in contingency funds and may be offset by savings from salaries of striking firefighters.

7. Employee Safety Impact Assessment

- 7.1. The health, safety, and welfare of employees is at the forefront of WYFRS's decision-making process. The service has comprehensive arrangements in place that support safe systems of work and personal welfare.
- 7.2. Competent and experienced firefighters normally respond to fires and other emergencies within West Yorkshire. The initial attendance at emergencies generally receives swift assistance from neighbouring fire crews. These crews are also aware of the dangers inherent in dealing with a variety of incidents. Full training of these firefighters takes many months and continues throughout their career.
- 7.3. FDS officers are used to command and manage larger and more challenging incidents and have additional training and experience. All FDS officers have previous experience of riding front line fire appliances. In many cases however, this experience is not current and their relevant skills for this role may have faded over time.
- 7.4. It is likely that WYFRS will utilise a number of CROs during periods of industrial action. They will crew front line fire appliances and respond to the same type of emergencies as firefighters. The CROs will receive basic fire and rescue training and may have no prior experience of dealing with emergencies. They will not have the same competence, knowledge, and understanding levels as a professional firefighter. CRO's will be provided with appropriate levels of Personal protective Equipment (Fire kit etc.) to undertake tier role safely.
- 7.5. Fewer front line fire appliances will be available during periods of industrial action. Resources will be located where they provide most benefit and this may significantly reduce the coverage in certain areas of the county. This situation may delay support to resources forming the initial attendance at an emergency.
- 7.6. Firefighters receive on-going training relative to hazards and risks. They apply this knowledge to determine the tactics to deal with fires and emergencies in local buildings and other sites. CROs will have a basic understanding of hazards and risks and are unlikely to have any knowledge of specific buildings. Trained firefighters working during periods of industrial action may also be operating in locations that are unfamiliar to them.
- 7.7. The threat of industrial action poses a number of challenges to WYFRS for securing the health, safety, and welfare of employees. This situation requires the introduction of additional control measures. These include:
 - i. a competent FDS officer riding front line fire appliances that are crewed by CROs
 - ii. revised operational procedures that reflect the competence levels of crews responding to emergencies

- iii. providing a retraining programme to FDS officers that refreshes initial emergency response skills
- iv. revised operational tactics that mitigate the risks posed to CROs and firefighters
- v. restricting attendance to certain incidents to maintain the availability of front line fire appliances
- vi. maintaining the availability of risk information and ensuring that this is readily available to responding crews
- vii. dedicated command support operating in the Control Room during any period of industrial action.

These control measures will reduce the risks posed to CRO's and firefighters and present a wide range of tactical options.

- 7.8. WYFRS's will have a reduced fire and rescue capability during periods of industrial action. There will also be a variation in the knowledge, understanding, and competence levels of its responding crews. Irrespective of these issues, incident commanders will continue to apply the well-founded principle of using alternative tactics if the potential benefits do not outweigh the risks involved.
- 7.9. Currently WYFRS crews will take some risk to save saveable lives. They may take some risk to save saveable properties, but they will not take any risk to save lives or properties that are already lost. During periods of industrial action, incident commanders will consider using more defensive tactics. These tactics may result in accepting minimal risk where there is no threat to lives.

8. Equality and Fairness Impact Assessment

- 8.1. In common with other public sector organisations, WYFRS needs to comply with the Public Sector Equality Duty. It requires equality and fairness issues to form part of the decision making process for service delivery.
- 8.2. The Community Risk Management Strategy fully explains how WYFRS delivers its services. The underlying principle of strategy is to deliver services on a risk proportionate basis. The risk of fire and other emergencies varies greatly across the county meaning that some communities are safer than others are. The integrated risk management process shows areas of the county that are at a higher risk from fire and other emergencies.
- 8.3. With significantly reduced resources, WYFRS needs to deliver its services equitably. This means communities will receive differing levels of service that are relative and proportionate to risk. Higher risk geographical wards will therefore benefit from better prevention, protection, and response services than lower risk wards. Prevention and Protection services should be largely unaffected but response services will be affected, albeit the reduced resources will still be distributed based on risk and therefore will be equitable.
- 8.4. WYFRS is committed to supporting the health, safety, and welfare of employees working during periods of industrial action. There are several equality and fairness issues associated with industrial action which can have an effect upon employees' health, safety, and welfare.
- 8.5. WYFRS may need to vary duty patterns and hours of work for employees in order to provide adequate resources during periods of industrial action. This may impact on those with parental/carer responsibilities.
- 8.6. Industrial action often results in tension between those working and those on strike. The risk of bullying, intimidation, and harassment therefore increases, particularly when crossing picket lines. The threat of such behaviour extends beyond the period of industrial action and can be long standing.

- 8.7. WYFRS is adopting a flexible approach to accommodating individual wishes of employees that intend to work during periods of industrial action. They include:
- i. Allowing employees to follow a similar duty pattern to that normally worked,
 - ii. Considering requests from Retained Duty System firefighters to maintain cover in their own communities (as opposed to being pre-deployed to higher risk areas).
 - iii. Accommodating different requirements for FDS officers.
 - iv. Allowing firefighters to work at a location of their choosing.
 - v. Allowing groups of firefighters to work as a crew from their own watch/station.

The flexible approach will encourage employees to work and will help to provide sustainable duty patterns during periods of planned industrial action.

- 8.8. WYFRS will operate a zero-tolerance approach to bullying and harassment resulting from an individual's decision not to participate in industrial action. It will provide specific briefings for those intending to work and the procedures to follow to avoid confrontation. A confidential e-mail and telephone service is also available to employees to report and discuss harassment and bullying issues. District and FSHQ officers will robustly deal with any reports of bullying and harassment.

9. Failure to Deliver Contingency Arrangements

- 9.1. WYFRS is confident that it can deliver the base level requirements of its industrial action contingency plan. It will meet normal operational activity requirements by using a combination of professional firefighters, FDS officers, support staff, CRO's and recently retired firefighters.
- 9.2. There are undeniably, increased risks for the Authority and the community during a firefighter strike. The risk to the community of the Authority not providing some form of emergency cover far outweighs any risk associated with deploying fire and rescue service based on the contingency plans which have been developed.
- 9.3. Unarmed military assistance is sometimes available to organisations via Military Aid to the Civil Community arrangements. WYFRA have been advised that there is no likelihood of armed forces personnel being available for local deployment for general fire and rescue cover therefore it must make its own arrangements. In the event of the resources available being well below that which is deemed as the minimum acceptable level of service, the Authority may wish to request military support albeit the likelihood of receiving such support would be limited.
- 9.4. The worst case-planning scenario during a strike would be an incident at a site governed by the Control of Major Accident Hazards (COMAH) regulations. West Yorkshire has several COMAH sites and whilst the occurrence of major incidents at these sites is rare they can be resource intensive and protracted and will pose a significant challenge to WYFRS.

10. Conclusion

- 10.1. Industrial action will affect the service delivery levels normally provided by WYFRS. Contingency planning is already affecting the service's ability to meet departmental objectives and causing some capacity issues.
- 10.2. Four separate assessments consider the impact of industrial action. They show the likely impact upon the community, the organisation, employees and equality and fairness arrangements. The outcome of these assessments shows a varying degree of impact.

- 10.3. WYFRS is introducing a number of contingency arrangements to mitigate the effect of industrial action. These arrangements are flexible but robust. They also promote the delivery of critical services in the county during periods of industrial action.
- 10.4. The contingency arrangements are comprehensive. They demonstrate WYFRS's commitment to providing a full range of services and supporting the health, safety, and welfare of its employees and the public.