

<b>WYFRA</b>	<b>EXECUTIVE COMMITTEE</b>	<b>31 OCTOBER 2011</b>	<b>AGENDA NO</b>
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**REPORT OF:** DIRECTOR OF OPERATIONS

**PURPOSE OF REPORT:** To report on the current progress of WYFRS Industrial Action planning arrangements which will be implemented to mitigate the potential threat and impact on WYFRS from any strike action by employees.

**RECOMMENDATIONS:** That the contents of this report are noted by members.

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**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS:**

**EXEMPTION CATEGORY:**

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**BACKGROUND PAPERS OPEN TO INSPECTION:**

Industrial Action Service Continuity Plan (June 2007)

**SUMMARY**

Following recent developments in relation to proposed industrial action, including strike action by public sector unions in response to the Governments plans for changes to Public Sector pensions, WYFRS has proceeded to amend and update its Industrial Action Business Continuity Plan (IA BCP) and associated arrangements. These documents are linked to WYFRS overall Business Continuity Strategy and are designed to mitigate the potential impact on service delivery based on likely scenarios for industrial action.

## **1. Background**

- 1.1. As a result of the current financial situation resulting from the banking crisis the government announced a raft of measures to alleviate national debt. Included in these measures was a proposal to reform the majority of public sector pensions. These reforms incorporated proposals to raise the age of retirement and to increase contributions from employees.
- 1.2. In March 2011 Lord Hutton published his report on public service pensions which gave recommendations for future pension provisions and policies. These are under consideration by the present government.
- 1.3. Several public sector unions expressed dissatisfaction with the pension reform proposals and actively consulted with its members to determine the appetite to take industrial action including strike action if necessary. This includes two key WYFRS unions; the Fire Brigades Union (FBU) and UNISON. A number of Unions are currently seeking judicial review over changes from RPI to CPI for annual pension uplift.
- 1.4. Current plans for the fire-fighters pension scheme include increases to pension contributions of between 3.2% and 6% by 2014. Fire-fighters contributions would therefore increase from 11% to 14.2% of salary and Senior Officers contributions would rise from 11% to 17% of salary.
- 1.5. Support staff pensions contributions could increase by 3%, from around 6% to 9% of salary.

## **2. Information**

- 2.1. Several of the major public sector unions have called for a day of strike action on 30 November 2011. Balloting of members has commenced with some unions including UNISON (who issued ballot papers to 1.3 million members on 11 October 2011). The UNISON ballot closes on 3 November 2011.
- 2.2. The current position of the FBU is that it has recently informed Ministers in Government of its expectation that they deliver FRS employees fair pensions. The FBU also rejects Whitehall plans to increase contributions and to work longer and advised Ministers that a trade dispute exists between it and the government. This is the first step towards a potential ballot of its 43,000 members in respect of strike action.
- 2.3. As of the 18 October 2011 the FBU Executive Committee has confirmed that the FBU will not be taking part in strike action to enable discussions on various points regarding the fire-fighters pension schemes to continue; although it will still be supporting the day of action in other ways.
- 2.4. UNISON represents the greatest number of WYFRS support staff with a membership of 80, representing 23% of the 350 support staff. Although UNISON membership is spread throughout departments, certain functions such as Transport, have a higher percentage of union membership than others. Appendix 1 details Union Membership.

## **3. Contingency Planning for Industrial Action**

- 3.1. Within the current Business Continuity Management (BCM) process, departments have identified the critical functions that are required to maintain essential service delivery during disruptive events. Clearly the most critical element of the Fire and Rescue service is its emergency response, however, many support functions are critical to enabling WYFRS to respond to emergencies. The importance of support functions will vary depending on the type and duration of industrial action.
- 3.2. The aim of the industrial action business continuity plan is to minimise the impact of any industrial action and to provide the maximum levels of emergency response possible with whatever resources are available.
- 3.3. The plan includes a range of actions and interventions which can be implemented depending on the level of disruption. In considering the minimum levels of service it is useful to first consider the normal arrangements and also have a rationale for any reduced level of service as a direct result of industrial action.
- 3.4. WYFRS currently has 60 fire appliances, 2 CARPS (Combined Aerial Rescue Pumps), 3 primary crewed aerial appliances and specialist appliances to deliver the following capabilities; Command Support, Hazmat, Technical Rescue, Petro-chemical, Wildfire, Logistics, Water and Flood Rescue and Fire ground Welfare.
- 3.5. The optimum emergency response for operational resource deployment for West Yorkshire has been identified following extensive analysis to determine the number and location of resources needed to meet the Risk Based Planning Assumptions agreed by the WYFRA.
- 3.6. As the number of fire appliances reduces, performance against the Risk Based Planning Assumptions also reduces. Analysis has identified that between 62 (fire appliances and CARPs) and 48 there is an insignificant reduction in performance, followed by a gradual decline between 48 and 34 appliances and a more rapid decline from this point onwards.
- 3.7. On this basis, the theoretical optimum resource level could be set at 48 fire appliances including CARP's (to ensure a minimum of 4 aerial appliances.), supplemented by the provision of 3 Fire Response Units and 10 Resilience Pumps to ensure that there are sufficient resources to meet the Response Based Planning Assumptions (RBPA) plus resilience to deal with major incidents, simultaneous demand, Road Traffic Collisions and other non-fire emergencies. This gives a predicted performance of 89% against the RBPAs. Improving on this level of performance requires a significant increase in resources for each percentage point increase.
- 3.8. The same RBPA can be met with fewer than the 60 fire appliances currently available, but WYFRS would not have the resilience to also respond to major incidents. For planning purposes, when determining the levels of in built capacity (resilience), WYFRS assume one major incident requiring 20 fire appliances or two simultaneous major incidents requiring 8 fire appliances at each. Officer numbers are also determined on the same planning assumption.
- 3.9. The emergency cover review has identified that, in theory, the absolute minimum number of fire appliances (located in optimum locations not the current fire stations) required to meet the Life Risk RBPA, with no resilience or additional capability is 39; this does not account for the impact of simultaneous incidents or major emergencies.
- 3.10. In the event of major disruption to operational response due to staff absences or other major event WYFRS have developed a derogation plan which ensures that resources are allocated to deliver the best possible performance against the RBPA. The

absolute minimum number of fire appliances required for WYFRS to deliver a basic emergency response service is considered by the Director of Operations to be 20 fire appliances; this ensures that 60% of life risk incidents can be met within the RBPA. It is not considered possible to deliver a basic emergency response for the entire county with less than 20 pumping appliances. In the event of staff shortages falling below that required for 20 fire appliances, external support would be needed. If industrial action meant that it was not be possible to provide 20 pumping appliances, the impact on performance is as follows:

- 15 Fire Appliances meets the RBPA for 43% of life risk incidents
- 10 Fire Appliances meets the RBPA for 17% of life risk incidents
- 6 Fire Appliances meets the RBPA for 3% of life risk incidents.

3.11. The provision of 6 fire appliances is deemed to be the minimum number of appliances that could be made available and is the figure used for planning purposes.

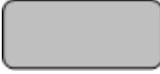
3.12. The provision of aerial appliances and specialist resources can only be provided if sufficient skilled and competent personnel are available. The provision of a CARP provides additional resilience as pumping appliance and an Aerial appliance.

3.13. If WYFRS can provide a minimum of 20 fire appliances to cover West Yorkshire it is unlikely that the Authority would request any further outside support in the form of military aid or other contingency (see section 5). Any emergency response capability which is based on anything between 6 and 20 fire appliances would therefore need to be supplemented by outside support or other contingency arrangements.

3.14. A critical function to enable emergency response is the need to have a functional mobilising and communications centre (MACC). A Mobilising Standby Control plan has been developed based on four options/expected scenarios:

- MACC functioning on HQ site with reduced MACC staff numbers.
- MACC functioning on HQ site with minimal MACC staff supplemented with FDS officers.
- MACC not functioning on HQ site yet functioning elsewhere and staffed with FDS officers.
- MACC not functioning using WYFRS resources, yet alternative mobilising arrangements in place e.g. Police mobilising centre.

3.15. A number of industrial action strike scenarios may present themselves:

Industrial Action Scenario	Impact on WYFRS
Firefighters (Grey Book) <div style="text-align: center; margin-top: 20px;">  </div>	Industrial action relating to disputes involving operational firefighters (Grey book) only. Depending on the extent of industrial action taken it is likely to significantly affect operational and other frontline services.  Representative Bodies include: Fire Brigades Union (FBU), Fire Officers Association (FOA), Retained Fire Fighters Union (RFU)
Non-Firefighters (Green Book)	Industrial action relating to disputes involving support staff (Green book) only. Depending on the extent of industrial action taken it is likely to affect services that support front line

	<p>services if the duration is beyond “one day strikes”</p> <p>Representative Bodies include: Unison, Unite</p>
<p>Firefighter/Non-Firefighter</p> 	<p>Industrial action relating to disputes involving both fire fighters (Grey book) and support staff (Green Book). Depending on the extent of industrial action taken and whether periods of industrial action are simultaneous or not, will determine the influence on frontline operational services.</p>

3.16. To facilitate the planning process the “ballot and industrial action timetable” has been developed (see Appendix 2).

3.17. Strategic planning arrangements include the Crisis Management Team (CMT) which is chaired by the Chief Fire Officer or his nominated deputy; the CMT is currently meeting frequently. An Industrial Action Planning Team, whose role is to ensure the Authority has robust arrangements in place, has been formed to coordinate and manage the development and implementation of industrial action plans and arrangements during four key stages:

- Plan
- Pre
- Live
- Post.

3.18. The Industrial Action Planning Team has developed a number of specific activities that can be implemented depending on the anticipated impact of the proposed industrial action. The timetable is based on the minimum notice that trades unions are legally required to provide when undertaking strike action.

#### 4. Impact of Industrial Action

4.1. Support departments which may be affected by proposed UNISON strike action on 30<sup>th</sup> November include:-

Fire Protection and Prevention  
Transport and Logistics  
Property  
Finance  
ICT  
OHSU  
Training and Development  
Corporate Services  
Corporate Communications  
Committee Services  
Human Resources

4.2. The impact will be dependent on member participation, the number of union members within these departments and the duration of any strike.

4.3. It is likely that the impact of one day’s industrial action on WYFRS would be manageable, with the most significant risk being the Control and Mobilising function; membership of Unison within this area of service is limited. Industrial action over a longer duration would be more serious. Although the number of staff who may strike

on the 30<sup>th</sup> November is currently assessed as having limited impact, the actions of staff at other organisations will have an impact on WYFRS employees, for example schools closing and public transport being affected; it will be the responsibility of our staff to make alternative arrangements.

## **5. Current and Future Activity/Actions**

- 5.1. Relationships with representative bodies remain positive and through an honest and transparent communication process it is envisaged that this will continue.
- 5.2. The West Yorkshire Resilience Forum Strategic Coordinating Group (SCG) is actively planning with other members/organisations to formulate a strategic response for a co-ordinated approach to the management of disruptive events resulting from industrial action in West Yorkshire. WYFRA may receive a request(s) to support partners; the implications of any request will need to be carefully considered before any commitment is made and senior Members will be kept advised where there is potential for adverse publicity.
- 5.3. The Industrial Action Business Continuity Plan includes the actions necessary in the event of there being insufficient people available to crew 20 fire appliances. The Government has indicated that it is unwilling to offer support in terms of military personnel at this time and would be unlikely to be able to offer other forms of central assistance. In spite of the current Government stance, it is recommended that, should it be necessary, WYFRA considers requesting such support.
- 5.4. The Plan also includes using alternative locations for the siting of WYFRS assets should it be preferable not to use fire stations.
- 5.5. In the event of there being insufficient competent firefighters and officers prepared to work, plans have been developed to supplement whatever existing resources are available. Members will be advised of these plans and approval obtained should this be necessary.
- 5.6. Arrangements are in place to support those staff that may choose not take part in industrial action.
- 5.7. The need for external liaison and communication will be paramount prior to and during periods of industrial action including:
  - Fire Authority
  - Elected Members
  - Local Government Group (LGG)
  - Central Government
  - Chief Fire Officers Association (CFOA)
  - Local Authority Districts
  - Press/media management
  - Key messages via Website and other media including Fire safety initiatives/messages
- 5.8. Experience has shown that despite firefighters withdrawing their labour during industrial action they may still be prepared to respond in a local area to a serious incident or consider responding to a major disaster. However, there are no agreements in place with the FBU regarding such an arrangement and this cannot be relied upon as part of planning assumptions.
- 5.9. Arrangements for national and regional resilience has been considered as part of the

plan, It is unlikely that WYFRS will be able to offer any guarantee of support for Central Government in relation to New Dimensions capability during a strike, (notwithstanding the comment made in the previous paragraph).

- 5.10. The planning for industrial action is well advanced but relies on key decisions being taken in a timely manner. Therefore, should there be confirmation of industrial action that is likely to have a significant impact on service delivery, it will be necessary to establish early and regular dialogue with leading Members of the Authority.

## **6. Financial Implications**

- 6.1. The financial impact of any industrial action will depend upon the type and scale of the action. Previous experience has shown that such action would result in a reduction in spending as a result of stoppage of pay which is partly offset by additional overtime payments and equipment purchase where necessary.
- 6.2. Should military assistance be available, it has been previous government policy to charge for this service for the duration of the deployment not just the period of industrial action. If this is the case and there is prolonged intermittent action then these costs may well exceed any savings through non-payment of salaries.

## **7. Equality and Diversity Implications**

- 7.1. Plans are subject to the Equality Impact Assessment (EIA) process. The significant risk during any industrial action is harassment and bullying and a number of initiatives have been developed to prevent or restrict this having a significant impact on individuals and the organisation.

## **8. Health and Safety Implications**

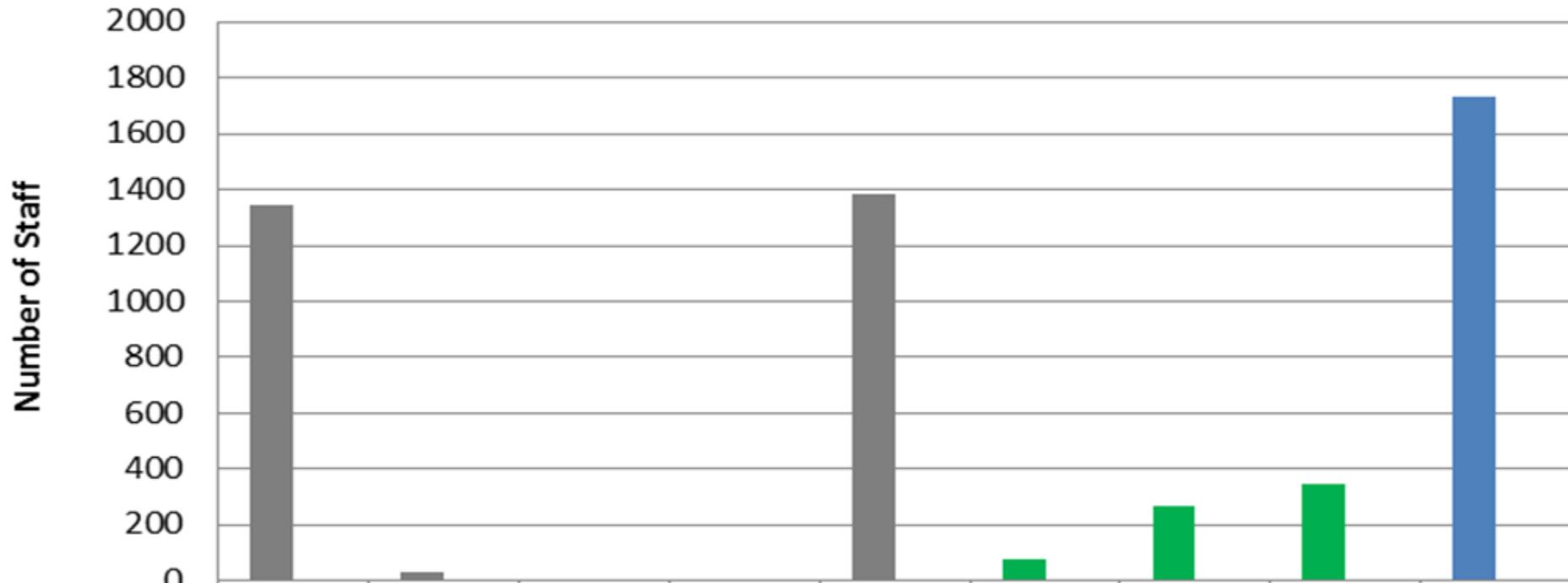
- 8.1. There are a number of health and safety implications as a result of industrial action and the specific response options which may be implemented. Existing risk assessments have been reviewed and current control measures have been adapted to take account of the reduction in the number and type of resources available and the use of alternative staff to perform specific roles.

## **9. Conclusions**

- 9.1. Although at the current time the potential impact of industrial action on WYFRS is limited (primarily due to the FBU current stance and the short duration of the proposed action by other unions) there remains a significant risk of escalation. It is prudent to continue to plan for a reasonable worst case scenario. Comprehensive plans and related arrangements for periods of industrial action are well advanced and will continue to be refined and reviewed over the coming weeks.

Appendix 1 (NB this data is based on the best available information and does not include all staff)

### WYFRS Union Membership Overview



	FBU	FOA	No Union	RFU	Total Ops	UNISON	No Union	Total Non-Ops	Total WYFRS
Staff No.	1345	31	5	0	1381	80	270	350	1731
Percentage	97.4%	2.2%	0.4%	0.0%	100.0%	22.9%	77.1%	0.0%	100.0%

## Appendix 2

<b>Ballot and Industrial Action Timetable</b>	
<b>Day 1</b>	<p><b>Notice of a ballot to employer</b></p> <p>The employer must be given at least 7 days' notice of the effective date of the ballot, indicating who will be entitled to vote or to participate in industrial action. (Employer can use check-off, but the trade union may need to provide sufficient details for employer to deduce who will be balloted).</p>
<b>Day 5</b>	<p><b>Sample ballot paper sent to employer</b></p> <p>Sample ballot paper is sent no less than 3 days before ballot opens. If 50+ members are entitled to vote, an independent scrutineer must be appointed.</p>
<b>Day 8</b>	<p><b>Opening of ballot</b></p> <p>Papers distributed to trade union/representative bodies members</p>
<b>Day 15</b>	<p><b>Ballot closes</b></p> <p>If voting papers are distributed and returned by first class post allowing at least 7 days for return.</p> <p>Note: 14 days for second class post.</p>
<b>Day 17</b>	<p><b>Trade union informs employer of ballot result</b></p> <p>The trade union must inform the employer "as soon as reasonably practicable" after the ballot closes of: the number of votes cast; those answering yes and no; and the number of spoiled papers.</p> <p>Note: This allows 3 days to process ballot returns (i.e. day 15,16 and 17)</p>
<b>Day 18</b>	<p><b>Trade union informs employer of intention to call industrial action</b></p> <p>The trade union should advise the employer as soon as possible after ballot papers counted. If ballot is in favour, the trade union must give no less than 7 days' written notice of start of industrial action, starting with the date on which notice of the ballot outcome was provided.</p> <p>The trade union can inform the employer that industrial action will take place at a later date (see below) provided it notifies within the 7 day period. Notice must include: description of the employees whom the trade union intends to call out; whether the action is dis/continuous (where it is to be continuous the date on which it will start must be specified, where it is to be discontinuous, the intended dates on which it will occur must be given)</p>
<b>Day 24</b>	<p><b>Last day of industrial action notice</b></p>
<b>Day 25</b>	<p><b>Industrial action begins</b></p> <p>The first day that industrial action can begin</p>
<b>Day 42</b>	<p><b>The last day that industrial action can begin</b></p> <p>The industrial action must begin within 4 weeks of the last voting day of the ballot. This period can be extended if there are supervening legal proceedings or the trade union and the employer agree to extend it to 8 weeks. However, under no circumstances can the action be postponed for more than 12 weeks after the date of the ballot.</p>