

GREATER MANCHESTER FIRE
AND RESCUE AUTHORITY

4 SEPTEMBER 2014

Subject: COUNTY GUARD UPDATE

Report of the County Fire Officer & Chief Executive

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PURPOSE OF THE REPORT

The report outlines how Greater Manchester Fire and Rescue Service (GMFRS) have and are responding to industrial action called by the Fire Brigades Union (FBU); in order for the Fire and Rescue Authority to meet its statutory obligations to date. The last update was provided at the Policy, Resources and Performance Committee on 24th July 2014 (minute 17 refers).

EXECUTIVE SUMMARY

1. The report details the deployment and relative success of GMFRS Business Continuity Plan for dealing with Industrial Action known as County Guard.
2. The Fire Brigades Union (FBU) announced a yes vote on the 29th August 2013, following a ballot of their members for industrial action.
3. This report provides details of the response from GMFRS as it applied its Business Continuity Management Plan known as County Guard.
4. Within a paper presented to the Fire Authority on 20th October 2011 (minute 61 refers) Members granted delegated power to the County Fire Officer & Chief Executive to:
 - Vary the application of the Authority's policy relating to partial performance, in relation to industrial action taken in connection with the trade dispute relating to pensions;
 - Take all decisions and actions, including the incurring of expenditure, on behalf of the Authority, in relation to or in connection with industrial action, whether taken or threatened, in respect of the trade dispute relating to pensions.

BACKGROUND

5. As previously reported, May 2013 saw a trade dispute being raised by the FBU with Ministers and with all the employing Fire and Rescue

Authorities around proposed changes to Pensions in the Fire and Rescue Service.

6. The FBU's General Secretary wrote to Government Ministers and the employing authorities setting out seven provisions which the FBU were asking for and which, if not met, would result in a ballot for industrial action.
7. Negotiations proved unsuccessful and a FBU ballot supported strike action (England and Wales) resulting in strike action on 25th September 2013. The FBU announced further Strike action for 1st and 4th November 2013.
8. The FBU announced additional strike action on 13th November 2013 and initiated a further ballot of their members for Industrial "Action Short Of Strike" action (ASOS). This ballot closed on 4th December 2013 and was extended to include FBU members within Fire Controls.
9. Negotiations with the former Fire Minister, Brandon Lewis MP, and the FBU have been stalled at times due to the Fire Minister refusing to meet with FBU Officials whilst strike action had been called and was taking place. In response, the FBU have refused to suspend strike dates.
10. Following the recent Cabinet reshuffle Penny Mordaunt MP was appointed as the new Parliamentary Under Secretary of State at the Department for Communities and Local Government (Fire Minister) on 15th July 2014 in place of Brandon Lewis MP.

STRIKE DATES

11. Below is a breakdown of strike action dates and times including 'Action Short of Strike', to date:
 - 25th September 2013 (1200-1600)
 - 19th October 2013 (Cancelled on 18th October)
 - 1st November 2013 (1830-2300)
 - 4th November 2013 (0600-0800)
 - 13th November 2013 (1000-1400)
 - 13th December 2013 (1800-2200)
 - 14th December 2013 (1800-2200)
 - 24th December 2013 (1900-0000)
 - 31st December 2013 (1830-0030)
 - 3rd January 2014 (0630-0830)
 - 2nd May 2014 (1200-1700)
 - 3rd May 2014 (1400-0200)
 - 4th May 2014 (1000-1500)

- 4th May from 1500 until 9th May at 1200 industrial action short of strike, namely a refusal to undertake voluntary overtime, non-contractual overtime or additional hours
 - 12th June (24 hours from 0900)
 - 21st June (1000-1700)
 - 13th June from 0900 until 21st June at 1000 industrial action short of strike, namely a refusal to undertake voluntary overtime, non-contractual overtime or additional hours
 - 10th July (1000-1900)
 - 14th July (0600-0800 then 1700-1900)
 - 15th July (0600-0800 then 1700-1900)
 - 16th July (0600-0800 then 1700-1900)
 - 17th July (0600-0800 then 1700-1900)
 - 18th July (0600-0800 then 2300 until 19th July at 0100)
 - 19th July (1100-1300 then 2300 until 20th July at 0100)
 - 20th July (1700-1900)
 - 21st July (0600-0800 then 1700-1900)
 - 21st July from 1900 action short of strike recommenced
 - 9th August (1200-1400 then 2259-2359)
 - 10th August (1200-1400 then 2259-2359)
 - 11th August (1200-1400 then 2259-2359)
 - 12th August (1200-1400 then 2259-2359)
 - 13th August (1200-1400 then 2259-2359)
 - 14th August (1200-1400 then 2259-2359)
 - 15th August (1200-1400 then 2259-2359)
 - 16th August (1200-1400 then 2259-2359)
 - Until further notice industrial action short of strike (namely a refusal to undertake voluntary overtime, non-contractual overtime or additional hours).
12. On all strike dates a minimum of 21 fire appliances were deployed across the strike periods and a whole range of incidents were successfully dealt with. On each period of strike action a Resilience Pump crewed by non-striking officers was available in addition to the 21 key station appliances.
13. The timings of the strike action were intentionally designed to disrupt contingency arrangements and maximise inconvenience so this change of tactic is disappointing. However, the commitment of the EFCs and EFCDs, as well as the non-striking personnel, has been outstanding and ensured that resilience has been maintained within Greater Manchester.

CURRENT POSITION

County Guard Implementation

14. The Fire and Rescue Authority needs to respond to what is '*reasonably foreseeable*' when making its business continuity contingency

arrangements. County Guard is Greater Manchester Fire and Rescue Authority's business continuity plan for industrial action. The County Guard Plan responds to a planning assumption (that all staff may take industrial action) and provides a framework for recruiting and training a workforce of Emergency Fire Crews (EFC). The plan was amended to include the role of Emergency Fire Crew Drivers (EFCD).

15. The County Guard Plan is structured around the assumption that virtually all staff will take industrial action of a sustained nature. A benefit of planning for the worst case scenario is that the plan can be altered to meet any lesser impacts on the organisation. The plan identifies critical activities, including how mobilising and operational service delivery will be maintained by the recruitment of staff. Where GMFRS staff make themselves available, the plan can be varied to make the best use of the skills that they have.

Emergency Fire Crew (EFC) Deployment/Resilience Pump(s)

16. Throughout the periods of industrial action listed above, the EFC and resilience arrangements have successfully been deployed. The EFCs have successfully attended a range of incidents and helped to keep the communities of Greater Manchester safe during the periods of industrial action. The presence of Chaperones (supervisory officers) provided by non-striking personnel has meant that a wider level of operational competence has been present.
17. From the availability of a small number of non-striking personnel we were also able to provide a fire appliance(s) with personnel who were able to provide additional support to EFC (referred to as a 'Resilience Pump'). However, there is obviously a delay in the Resilience Pump arriving at incidents it is mobilised to, and their attendance could not be guaranteed if they were in attendance at a different incident.
18. On all occasions at least one resilience pump has been available, crewed by non-striking officers. Where sufficient numbers of operational staff have not been taking Industrial Action, further resilience pump(s) have been made available.
19. The Resilience Pump(s) are located at strategic points within Greater Manchester to ensure a risk based approach is maintained to achieving the best possible response times with the limited resources.

Emergency Fire Crew Recruitment

20. When deciding on the number of EFCs a number of factors need to be taken into consideration. Some of these include:
 - a. Type of action declared (continuous/discontinuous),
 - b. Likely duration of dispute period.

- c. Number of EFC/EFCD required to adequately deal with the duration of strike periods.
 - d. Implications on 'Business As Usual'.
 - e. Ability to keep EFC/EFCD skills up to date.
 - f. Number of applicants.
 - g. Number of whole-time personnel coming forward (including officers).
21. As there has not yet been a settlement, it is likely that industrial action could continue for the foreseeable future, therefore the planning needs to reflect this. Based on the risk assessment of the information above, particularly the likely duration of dispute period, a third wave of EFCs and ECFDs have been recruited.
 22. This commenced with assessments taking place on 19th May 2014, training took place on 27th May with the course concluding on 11th June 2014, ready for the strike action that took place on 12th June (24 hours from 0900).
 23. To date 180 EFC's have been trained and available for strike action.

Future Strike Dates

24. No further strike dates have been called to date. The Executive Committee of the FBU are scheduled to meet week commencing 25th August and it is anticipated that further dialogue will be requested with the Fire Minister. Additional strike dates may be anticipated dependent on the outcome of discussions with the Fire Minister.

LEGAL IMPLICATIONS

25. The duties upon Fire and Rescue Authorities under both the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004 are 'target duties'. In the case of such a duty there will not necessarily be a breach of the duty if there is a just and reasonable excuse, for a temporary lack of provision. The Fire and Rescue Authority must however do what is reasonably practicable.

BUSINESS RISK IMPLICATIONS

26. During our normal Risk Management review process, two main risks were identified: these being the untested nature of parts of the County Guard plan and the potential for industrial action. As the plan was implemented the risks were reviewed allowing the rating of the Plan to be reduced from Red to Amber.
27. Impact of Industrial Action on Corporate Performance

28. The recruitment for Wave 3 of EFCs and EFCDS has impacted on the delivery of some of the Development Goals and Members may well see the impact in quarterly outturn report findings.
29. This is due to the planning around each of the periods of industrial action having significant impact on certain sections of the organisation; however, this is not always visible to other areas of the service; particularly during this last round of sixteen periods of strike over eight days inclusive.

Residual Risks

30. There are still elements of the plan that have not yet been tested, such as working with professional striking crews at major incidents through the recall to duty arrangements for major incidents or dealing with an 'all-out' strike for an extended period.
31. A risk still exists if our middle managers choose to take strike action in the future, however this has been significantly reduced following the recent signing of a Memorandum of Understanding (MoU) between the Fire Authority and Fire Officers Association (FOA). The membership of FOA (which employs a 'no strike' mandate in its constitution) continues to increase amongst GMFRS middle managers.
32. In order to alleviate this risk further, continuation training is still being carried out with EFC members, with a specific element being focused on the Team Leaders and their command skills. In addition to this, additional Team Leaders have been identified and have received additional training.
33. A further EFC Team Leaders' course took place in July 2014 increasing the number of EFC Team Leaders available in the future.
34. As highlighted in previous reports, due to the prolonged nature of the dispute, the number of EFC may start to diminish, as their life circumstances change. In order to identify the number of active EFC, arrangements have been put in place to keep track of availability and numbers.

PEOPLE AND ORGANISATIONAL DEVELOPMENT IMPLICATIONS

Partial Performance

35. The current GMFRA policy (May 2003) for dealing with partial performance stipulates that the County Fire Officer and Chief Executive (CFO&CE) will withhold all pay in respect of the shift on which the partial performance takes place. However, this position has been reviewed on each strike occasion, and to date the CFO&CE decided (as per delegated authority), that employees undertaking strike action on the previous occasions would lose payment for the period of strike

action only. This does not mean that any further strike action would be treated the same way, potentially meaning that crews would not be paid for the full shift, which could impact on the availability of fire appliances, should the operational personnel decide to remove their labour for the full shift.

Staff Reaction to County Guard

36. As in previous disputes, staff have been reminded in writing of the Service's expectations regarding their standards of behaviour and their role in challenging poor behaviour displayed by others. It should not be overlooked, however, that some staff will be relieved that there is some form of emergency cover and react positively to the EFCs.
37. There was a risk of staff reacting adversely to being required to train EFCs. However, before and after the initial industrial action, staff are subject to normal expectations to carry out their role. Through careful communication with representative bodies and the trainers involved, this risk was mitigated. EFC are currently undergoing refresher training at our Training and Development Centre, where they are coming into contact with our full time staff. To date there have been no management issues coming to light regarding this arrangement.

FINANCIAL IMPLICATIONS

38. The financial implications of preparing for and mitigating against the current industrial dispute to date are £1,153,081 (after netting off stoppages of pay). These costs are split £487,680 (2013/14) and £665,401 in the current financial year. However, a number of points to take into consideration are:
 - The set up phase of County Guard (recruitment, equipment, training salaries, etc.) has been funded via in-year underspends and balances, where necessary.
 - The implementation costs of County Guard have been partially offset by savings made against salary budgets through stoppage of pay of those taking industrial action.
 - The extent of any costs/savings made against staff salary budgets will be contingent on the nature and the duration of the industrial action moving forward.

CONCLUSION

39. Our contingency arrangements have worked well to date due to a number of reasons, not just the pre-planning aspects of County Guard, but also how our staff have performed throughout this period.
40. Staff have behaved with integrity and professionalism during a very stressful and difficult period of time. We recognise that lawful industrial

action has been taking place to contest pension changes but that it is a requirement for resilience measures to be put in place.

RECOMMENDATIONS

41. Members are recommended to:
- i) Support the policy decisions previously adopted;
 - ii) Note the content of this report; and
 - iii) Note and commend the activities undertaken in order to mitigate the risks associated with Industrial Action.

STEVE McGUIRK
COUNTY FIRE OFFICER
& CHIEF EXECUTIVE

LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

DOCUMENT	DATE	FILE OR OTHER REFERENCE	PLACE OF INSPECTION
Business Continuity Strategy County Guard File	- -	- -	GMFRS SharePoint Site Fire & Rescue Service HQ 146 Bolton Road Swinton Manchester M27 8US

S. McGuirk
(Proper Officer)
22.08.14