

**In accordance with Section 100 (B) (4) of the Local Government Act 1972, the Chairman has agreed that this item be considered as a matter of urgency in view of the result of the Fire Brigades Union Strike Ballot announcement on 29 August 2013**

## **Report of the Chief Fire Officer**

### **17. Contingency Planning for Strike Action**

#### **Purpose of report**

1. To inform the Policy & Resources Committee of the background and current position of the proposed strike action by the Fire Brigades Union and to give an overview of the Service's contingency arrangements to cover any periods of strike action.
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#### **Recommendations**

***It is recommended that the Policy and Resources Committee note the contents of this report.***

#### **Introduction and Background**

2. The Government has decided that public service pensions should be reformed in order to make them more sustainable and affordable over the long term and fair to both employers and taxpayers. According to Government this approach is based on the fact that people are living longer and therefore pensions expenditure is greater than the Government feels is affordable given the current economic situation.
3. The Government has already increased employee contributions in respect of all public sector pensions schemes and this includes both current firefighter pension schemes. Firefighting staff now pay between 8.5% and 15% (dependent on level of salary and which pension scheme) of their earnings towards pensions and in April 2014 both these figures are likely to rise again. Alongside the reforms process referred to above. The Government is also making amendments to both the 1992 and 2006 Firefighter Pension Schemes as part of their on-going programme of modernisation of those schemes.
4. Recently, Government published a new pension scheme for firefighters to be introduced from April 2015. The design links to proposals raised by Lord Hutton in his independent report of public pensions. The Government continues to state that even after the reforms have been introduced, public service schemes will remain among the very best available.

## **Amendments to the Firefighters' Pension Scheme (FPS) 1992 and New Firefighters' Pension Scheme (NFPS) 2006**

5. Approximately two years ago, Government carried out a consultation exercise setting out a number of proposals in relation to the two existing fire service pension schemes. A number of Fire and Rescue Authorities responded together with Trade Unions/Employee Associations. The Government then published its final approach to the original proposals in light of the responses received.

## **Firefighters' Pension Scheme (FPS) 2015**

6. The Department for Communities and Local Government (CLG) published a 'proposed final agreement' in May 2012 setting out the provisions of a new pension scheme to apply from April 2015. The proposal included a 'Normal Pension Age' (NPA) for firefighters of 60, which already applies to those members of the New Firefighters' Pension Scheme 2006.
7. CLG also acknowledged and recognised that some firefighters might wish to retire before reaching the age of 60. The 2015 scheme will allow firefighters to retire from age 55 with an actuarially reduced pension. Additionally, enhanced retirement arrangements had been agreed through negotiation for scheme members aged 57 and over. The Fire Brigades Union has asked for this enhancement to apply down to age 55.

## **Protection Measures**

8. CLG report that 42% of operational personnel are members of the FPS 1992 and are either fully or transitionally protected; 35% already have a NPA of 60; and 23% will face an imposed change in pension age in 2015. (Individuals will still be able to retire and take their benefits accrued in their existing schemes at the age they expected.)
9. Firefighters, who on 1 April 2012 had 10 years or less to their NPA, will be protected and will remain in their current scheme.
10. Members of the FPS 1992 aged 45 or over on 1 April 2012 will remain in the 1992 scheme and will be able to retire at the age they expected to. It is estimated that just under half of 1992 scheme members are protected by this measure.
11. Members of the NFPS 2006 aged 50 or over on 1 April 2012 will remain in the 2006 scheme. It is estimated that only 5% of 2006 scheme members are protected by this measure.
12. There is also tapered protection for individuals who fall within 4 years of the protected groups (estimated at 20% of FPS 1992 members and a further 5% of NFPS 2006 members). Those who will be transferred to the 2015 scheme are able to retire and take their FPS 1992 accrued benefits once they reach age 50 and have 25 or more combined service in both the 1992 and 2015 schemes.

## Fire Brigades' Union (FBU) and CLG Negotiations

13. Negotiations have been taking place for a sustained period and in early June 2013 the FBU wrote to its members following a meeting of its Executive Council. That followed the resolution taken at FBU Conference to register a trade dispute on the issue of pensions reform.
14. The Minister for Fire within CLG, Brandon Lewis MP, wrote to the FBU General Secretary, Matt Wrack, on the 19 June 2013 setting out the Government's 'final offer' in relation to the terms of the FPS 2015 scheme. The final offer included an improvement of the original proposed agreement with regard to enhanced retirement arrangements for leavers from the age of 55 rather than 57. The Minister requested a response from Mr Wrack by 12 July 2013.
15. The General Secretary of the FBU then wrote to all FBU members to provide an update of the process of negotiation thus far, together with a reference to the Minister's letter and 'final offer'. The Circular advised that the 'final offer' is made by CLG on condition that it should be put to the FBU membership and that branches and FBU committees should meet to discuss the matter in detail. The Executive Council of the FBU took the opportunity to qualify that it could not recommend that the final offer should be agreed. The Executive Council also decided to ballot for strike action which has subsequently resulted in a vote of 78% in favour of strike action.

## Contingency Planning

16. A trade dispute which exists with the Minister is deemed to be a trade dispute with Fire Authorities as the relevant employers, notwithstanding the fact that this matter cannot be settled without the Minister exercising his power. It remains the case that only the Government can concede to FBU requests because once changes are made to the statutory provisions in the pension schemes, Fire Authorities will be bound to apply them and will have no discretion to do otherwise.
17. Industrial action taken by operational personnel may significantly affect the ability to deliver services across our counties and the consequential reduction of fire and rescue cover may increase the risk to business and residential communities. That aside, the Authority has a statutory requirement under the Civil Contingencies Act 2004 to maintain plans to ensure that functions can be exercised in the event of an emergency, so far as is reasonably practicable. Therefore on the commencement of the strike ballot, on the 18 July 2013, the Service commenced the planning processes to implement contingency cover for any periods of strike action.
18. Contingency arrangements are required to be determined locally and unlike previous fire service disputes, **the Service will not receive military assistance**. In November 2011 the Policy and Resources Committee considered the Service's approach to contingency planning which was subsequently approved at the FRA meeting in December 2011. As a result the Service has in place a robust Business Continuity Plan to deal with periods of

industrial action, the primary purpose of which is to maintain a basic level of operational fire cover across Herefordshire and Worcestershire.

19. Deputy Chief Fire Officer Richard Lawrence is leading a team to progress the contingency arrangements and the Authority can be reassured that all that can be prepared at this stage has been prepared. The plans are very robust but in essence the intention is to crew, on an immediate response basis, a number of fire engines at key strategic locations near to our major population areas in the two counties. A number of non-fire service locations have been secured from which to respond, removing the need for staff who are working normally to cross any potential picket lines. This contingency crewing will be achieved by utilising a combination of staff who are not FBU members, staff who have volunteered to provide extra cover and a significant proportion of officers who have already indicated that they do not intend to take strike action. It is anticipated that a number of FBU members may also choose to work normally.
20. These strategically located fire engines will be supported by our on-call (retained) fire engines, a significant number of these crews have indicated that they will be providing their fire cover as normal.
21. Fire Control staff have different pension arrangements to those of firefighters and they have therefore not been balloted as part of the FBU's trade dispute. The receipt of emergency calls will continue as normal through our existing Fire Control centre in Service Headquarters. This will allow the Service to mobilise its available fire engines effectively as well as provide important support to officers who will be working to balance fire cover across our two counties and prioritise urgent calls during any periods of strike action. Whilst the Service will be maintaining an emergency response capability **it will not replicate normal cover** and therefore there will be a higher level of call filtering that may mean a reduced attendance to certain incidents.
22. The planning work has also included open and regular communication with all staff groups, regardless of whether they are covered by the dispute or not. Liaison with all representative bodies, including local FBU officials, has also been effective, aimed at minimising the potential for this national issue to unduly impact on what are undoubtedly sound local industrial relations. Officers have also been in contact with surrounding FRSs.
23. Our plans for industrial action also include important safety messages to the public and businesses which advise them to be extra vigilant, especially during any periods when fire service resources may be reduced. These messages will reassure the public that they should still call 999 if they have a genuine emergency.

## Conclusion

24. This is very much a national dispute between Government and the Fire Brigades Union and beyond the control of this Authority, but nonetheless if a strike takes place the local impact may be considerable. A great deal of preparation work has already been undertaken by officers which is aimed at ensuring we are able to maintain an emergency response capability and I am

confident that capability will adequately cover the two counties during any periods of industrial action.

25. The fire cover provided during any period of strike action will be utilising Hereford & Worcester Fire and Rescue Service staff and resources but will not be normal fire cover, although at this stage it is anticipated that the cover will be adequate.

### Corporate Considerations

<b>Resource Implications</b> (identify any financial, legal, property or human resources issues)	There are considerable implications in relation to both legal and financial aspects of any dispute that are being dealt with as and when they arise. It is anticipated that any financial implications will be contained within existing budgets.
<b>Strategic Policy Links</b> (identify how proposals link in with current priorities and policy framework and if they do not, identify any potential implications).	The Service's strike contingency plan is part of the Business Continuity Plans.
<b>Risk Management / Health &amp; Safety</b> (identify any risks, the proposed control measures and risk evaluation scores).	There are a range of risks associated with staff going on strike and these risks are considered within the contingency plans. At no stage will the contingency plans include any increased risk to staff.
<b>Consultation</b> (identify any public or other consultation that has been carried out on this matter)	Both Policy and Resources Committee and the Fire and Rescue Authority have been previously consulted on continuity planning.
<b>Equalities</b> (has an Equalities Impact Assessment been completed? If not, why not?)	N/A

### Supporting Information

None

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