

TO: Overview and Scrutiny Committee

FROM: Area Commander Stuart Smith, Assistant Director Operational Response and Fire Protection

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STRIKES (MINIMUM SERVICE LEVELS) ACT 2023

1. Purpose

- 1.1 The purpose of this report is to update Members on the proposed approach of the Service to implementing the Strikes (Minimum Service Levels) Act 2023 during times of industrial action, whilst safeguarding our positive culture.

2. Recommendation

- 2.1 The Overview and Scrutiny Committee is asked to note the content of the report.

3. Risk Assessment

- 3.1 **Political** – whilst the Service plan to use this legislation in addition to its current industrial action arrangements, there is likely to be an expectation for this act to be implemented and maximised to protect the public during periods of strike. Representative bodies will need to be engaged and consulted so there is a joint understanding of the processes associated with the Act including the issuing of work notices.
- 3.2 **Economic** – normally the cost of strike offsets the cost of using resilience crews during periods of strike. There will be a cost in terms of productivity as attention turns to providing a frontline service meaning other work/projects could be delayed.
- 3.3 **Social** – implementing the Act could be perceived as an attempt to infringe on workers' rights; this could lead to protests or demonstrations against the Government or employers. To mitigate the lack of understanding both internally and externally and to help support the wellbeing of colleagues during these challenging times it will be beneficial to implement a communication strategy.

As a result of the Government and employers being able to function more effectively the possibility of extended strike times that could impact business

as usual, leading to lower delivery of prevention and protection activities, may be reduced.

- 3.4 **Legal** – the Strikes Act 2023 is statutory legislation but it is not a statutory requirement for fire and rescue services to implement it. The Fire and Rescue Services Act 2004 does however require Cambridgeshire Fire and Rescue Service (CFRS) to provide a service during times of industrial action.

Work notices and other legal requirements that the organisation must adhere to when implementing this Act will need to be effectively managed in a timely manner to mitigate any legal action.

4. Equality Impact Assessment

- 4.1 This will be completed as the process moves forward as we better understand the impact to all involved in the change.

5. Background

- 5.1 The Strikes (Minimum Service Levels) Act 2023 amends the legal framework governing industrial action to enable minimum service levels to be set in key sectors during periods of strike action. The aim is to increase public confidence in fire and rescue services and enhance public safety during strikes.
- 5.2 Minimum service levels or MSLs aim to limit the impacts of strike action on the lives and livelihoods of the public and to strike a balance between the right of unions and their members to strike with the need for the wider public to be able to access key services during industrial action. The legislation allows regulations to be made to establish a required minimum level of service in the specific public service it applies to.
- 5.3 The regulations set out a minimum service level so that if a trade union gives notice of industrial action to a fire and rescue authority (FRA), including FRA contractors, then the FRA can issue a notice (known as a work notice) to the trade union ahead of the strike. The work notice must identify the workers required to work and specify the work they are required to conduct during the strike to secure a minimum service level. The regulations set out the MSL required to provide essential fire and rescue services. This includes extinguishing fires, protecting life or property in the event of a fire and rescuing people in the event of a road traffic accident. The regulations extend to firefighters, control room staff and those that work in fire safety roles.

6. Minimum Service Levels

- 6.1 The Act sets out a number of MSLs that focus on the following areas;
- Control rooms – the Act has the expectation that all emergency calls will be answered and assessed.

- Firefighting – the Act expects a minimum of 73 percent of vehicles and appliances that would normally be available, to be available.
- National resilience – the Act expects 73 percent of national resilience assets that would normally be available, to remain available including National Incident Liaison Officers, Chemical Biological Radiological Nuclear Explosive Officers, high volume pump and crew.
- Fire safety – minimum levels must be obtained to be able to deal with urgent issues relating to fire safety including prevention and protection.

7. Current Industrial Action Procedures

- 7.1 Activating our business continuity plan for industrial action allows CFRS to effectively plan and prepare for periods of industrial action. Responding on our own fire appliances from our own stations maintains openness and transparency throughout as well as continuing positive engagement and relationships.
- 7.2 The Service aims to have a minimum of ten fire appliances available during periods of industrial action. This figure ties into our planning assumptions and crewing degradation process that is used during periods of high demand.
- 7.3 These fire appliances are crewed by colleagues who do not wish to undertake industrial action, some of whom sign a resilience agreement, to provide cover during periods of industrial action. We also have a number of On-Call colleagues that provide supporting cover during these times along with trained professional support colleagues, senior Officers and Area Commanders.
- 7.4 Training of resilience crews is conducted at our training centre to ensure they can effectively respond to incidents safely. This training focuses on responding to our main incident types (fires, road traffic collisions and some other special services including chemical incidents). This does not cover our specialist skill sets such as animal rescue, water rescue, rope rescue, working a height and the operation of our turntable ladders. We collaborate with other partners who could support some of these specialist responses during periods of industrial action through agreeing local memorandums of understanding.

8. Proposal

- 8.1 CFRS has been recognised through HMICFRS reports and the internal employee engagement survey as having a good culture. With the focus and scrutiny greater than ever on fire and rescue service culture it is critical that we protect our current position and as importantly continue to evolve it through listening and understanding feedback and making beneficial changes across the organisation.
- 8.2 Much of our culture is built on elements and practises that CFRS has undertaken for many years and this is no different during times of industrial action. CFRS has a good and engaged relationship with the representative bodies and shares openly with colleagues and key stakeholders the plans that will be put in place to mitigate the risk during periods of industrial action. This

also includes what colleagues who wish to undertake industrial action can do when on picket lines. We allow the use of appliance bays during inclement weather and the use of services and welfare facilities across our stations throughout these periods. These decisions are to ensure we remain inclusive and supportive to everyone in times of industrial action.

- 8.3 Furthermore, we remain focused on making sure our decisions are inclusive to the public and suppliers, engaging early to explain our plans and putting temporary processes in place to support suppliers who may need to access our sites or undertake critical works during these periods.
- 8.4 CFRS will continue to plan for industrial action using the (current) arrangements set out above. Where required, we will enact the use of work notices, to support crewing and specialist skill sets throughout periods of industrial action.
- 8.5 Using this blended approach will help protect the positive and engaged culture within CFRS whilst still enabling the Service to provide an operational response to the public during periods of industrial action.
- 8.6 Periods of industrial action can cause division and challenge for colleagues both professionally and personally. Using CFRS appliances, fire stations and crewing will focus the commitment on maintaining an open and transparent approach, continue to build relationships and allow for dialogue and communication whilst limiting the potential impacts of industrial action on our culture.

BIBLIOGRAPHY

Source Documents	Location	Contact Officer
Minimum service levels for fire and rescue services: factsheet - GOV.UK (www.gov.uk) Letter from Fire Minister to CFO's Summary of Minimum Service Levels Act 2023	Hinchingbrooke Cottage Brampton Road Huntingdon	Area Commander Stuart Smith stuart.smith@cambsfire.gov.uk 07900267853