



## West Midlands Fire Brigades Union

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### **Fire Brigades Union Submission Scrutiny Review 7th November 2022**

The Fire Brigades Union (FBU) has serious concerns around the potential for West Midlands Fire Authority (WMFRA) agreeing to any form of contingency arrangements as set out in the paper which is subject to this scrutiny review. It cannot be stressed enough how damaging, if agreed, this would be to Industrial Relationships, and below is set out our areas of concern and reasons why these proposals should not be agreed. It is laid out in number order to assist at review and for referencing purposes.

1. Management it is expected within this review to set out the rationale for use of such a workforce as a requirement under The Fire Services Act 2004 and Civil Contingencies Act 2004. The Fire Services Act sections 7,8 and 9 explain the role of responding to fires and road traffic collisions, and that services need to make provisions to provide coverage. The Civil Contingencies Act Section 2 (1) (C) explains quote- 'maintain plans for the purpose of ensuring, so far as is reasonably practicable, that if an emergency occurs that person or body is able to perform his or its functions.' The key to the legislation is 'so far as is reasonably practicable,' with what is set out below, and considering the cost involved and risk to safety if implemented, this proposal is not reasonably practicable.
2. The cost of these proposals would be expected to be extortionate; the initial outset is reported as a quarter of a million pounds, it would also be likely to cost far far more than this, and the money should not be spent on something that may never be used and instead be spent on increasing ridership numbers of Firefighters and Firefighters Control which in turn would increase resilience, a much more ethical model than the one proposed by management. The costs if implemented and used will rise and rise.
3. Private companies are advertising huge salaries to entice people to provide this so-called cover, whilst workers are campaigning for better pay due to austerity and a cost-of-living crisis, these companies would be paying people 50% more and possibly even higher than that of Firefighters. The FBU do not believe that these companies have the capacity to deliver what they promise, with them advertising to all brigades there will not be the capacity to deliver across the fire sector.



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4. The competence of these private companies is a serious concern, the Fire Service Act section 7 (2) (1) (b) states- 'secure the provision of training for personnel.' What this means is that WMFRA are responsible for delivering the training, sub-contracting this out with the below lack of competencies is a risk to WMFRA.
5. The private companies will not provide Firefighters capable of carrying out the role safely and in turn put themselves, other Firefighters and the public at risk. They advertise 12 days training, this is wholly inadequate and dangerous, if used they will have no local knowledge of our area and risk which is vital, they will not have used our safety critical equipment before as fire services use many different varieties, they will have no understanding of our operational procedures and may breach or put WMFRA at risk of the Health and Safety at Work Act.
6. These providers have fared poorly in the past and not delivered upon their promises, an example is Surrey in 2012 when they could not deliver the service they had promised.
7. The FBU have consulted our members (of which there are more members than operational Firefighters) and the feedback is strong and consistent that they oppose this proposal, if implemented it is likely to antagonise our workforce which could exasperate any potential dispute and even result in more Firefighters taking industrial action if it took place.
8. If implemented there are almost certainly going to be many operational issues such as Firefighters refusing to work with non-trained, not-safe-to-ride private company employees; under the Employment Rights Act 1996, section 44 it gives the ability for employees to remove themselves from the workplace if dangerous practices that put them at risk are taking place. Firefighters respond to a wide range of incidents which takes a lot of dedicated training and experience to keep them safe, some of these incidents such as house and factory fires are incredibly dangerous incidents and therefore there is the potential that section 44 may be used. We would also believe it reasonable to assume that if industrial action did take place these private employees would not return safety critical equipment such as breathing apparatus to Firefighters in an appropriate and safe manner, again this is risk critical.
9. Industrial action has taken place both locally and nationally within Fire Services for decades, WMFRA have never implemented these proposals before and have coped

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with Industrial action before. There is no requirement to agree to these proposals by management and there is no need, there would be the facility for Firefighters to not take part in industrial action, the use of overtime, an already agreed recall to duty system and locally like in all previous disputes an agreement will be made about a recall to duty agreement for Firefighters if industrial action takes place.

10. Finally, if these management proposals are agreed, the FBU we reiterate and cannot stress enough how damaging this would be to industrial relationships, we have worked hard since settling the last trade dispute (without taking strike action) and with the findings of the cultural review are on a path to improve the culture, this if implemented would have very negative implications, it is likely that if any action took place the use of these private workers would amplify and make any dispute worse.

The FBU is speaking on behalf of the vast majority of uniformed staff within our service, and we urge the scrutiny review elected members to recommend to West Midlands Fire and Rescue Authority a rejection of these proposals, and to continue with the traditional way of providing fire cover if industrial action takes place and not waste significant amounts of public money on something that is not and may not ever be needed.