



Matt Wrack General Secretary
Bradley House, 68 Coombe Road,
Kingston-upon-Thames, Surrey KT2 7AE
fbu.org.uk | @fbunational
020 8541 1765 | office@fbu.org.uk

Our Ref: MW/sll

16 June 2021

Rt Hon Boris Johnson MP
Prime Minister
10 Downing Street
London
SW1A 2AA

Dear Prime Minister

The Fire Brigades Union is aware, from the written statement of 16 March and from discussion with your officials, of the likelihood of a White Paper addressing issues within the fire and rescue service. We wish to raise concerns in relation to two specific areas which appear to be under consideration; the role of Police and Crime Commissioners and the issue of collective bargaining within the service.

As things currently stand, the Policing and Crime Act 2017, allows PCCs to bid for governance of their local fire and rescue service too. Although these powers already exist, there has been little appetite to make use of them and only four areas have chosen to: Essex, Staffordshire, North Yorkshire and Northamptonshire. These governance changes have taken place only after lengthy discussion at local level. If these takeovers were mandated, local democracy would be undermined and the voice of communities in how their services are provided would be lost.

We are also concerned about the need to protect the neutrality of the fire and rescue service. The role of law enforcement for firefighters is restricted to matters of building/fire safety or other relevant safety matters. Fire and rescue services do not carry out wider law enforcement. This position is widely understood and is acknowledged as part of the ability of firefighters to access and engage with all parts of all communities. This is reflected, for example, in some of the pioneering youth engagement work which firefighters have undertaken over the past two decades. These projects have helped to reduce anti-social behaviour and offending, as well as improving the understanding of the role of the fire service and of firefighters in many communities.

As for concerns over collective bargaining, we are aware of recommendations in HMICFRS reports in January and March 2021 which seek to effectively dismantle the National Joint Council (NJC), on the basis that "the NJC is failing firefighters and the public, and is in urgent need of reform". We believe the evidence is flawed in the reports and this calls into question the independence of the inspectorate. Local HMICFRS inspections do not identify the NJC as a problem, with only four of 45 raising complaints about national negotiations or local disputes (which the NJC often helps to resolve). Yet from four comments, the recommendation was made to "consider whether the current pay negotiation machinery requires fundamental reform. If so, this should include the need for an independent pay review body and the future of the 'Grey Book'", which sets out firefighters' conditions of work. This is not evidence based policy development.

Contd/2...

HMICFRS also extensively criticises the Covid-19 tripartite agreement between the FBU, employers and NFCC, which worked smoothly until January 2021 to ensure firefighters' health and safety while undertaking Covid-19 additional duties. The agreement was widely praised, yet the reports call it "a hindrance". Its demise only came about as a result of a small number of chief fire officers no longer wishing to maintain safety control measures their representatives had previously agreed to. The reports also contain the false claim the FBU does not support members carrying out vaccinations.

The NJC is a voluntary arrangement between employers and employees across the UK. To mandate an end to these arrangements would be a highly significant and controversial act of intervention by central government in a local service. It would also undermine current voluntary UK-wide arrangements, which assist the service to operate on a UK-wide basis. Firefighters are crossing borders within the UK every single day, including handling emergency calls across the Irish Sea. This daily collaboration can only be assisted by a common framework of terms and conditions.

We note that the government has stated a commitment to an agenda for 'levelling up' across the UK. It is widely known (and supported by experts at the ILO) that trade unions and collective bargaining play a key role in reducing inequality by raising wage floors. It also reduces inequality between groups of workers such as men and women, high-skilled and low-skilled, workers with regular and temporary contracts. Not only does collective bargaining improve the working environment day-to-day, but on a macro-level, "collective bargaining can have an impact on earnings distribution and inequalities in general (i.e. by affecting employment, but also through its influence on management pay at firm level, and payroll taxes and family and pensions systems at country level...as well as the way in which the labour market responds to unexpected shocks". It would therefore be contradictory to the aims of a 'levelling-up agenda' to remove, weaken or undermine the collective bargaining rights of a group of public sector workers who currently enjoy such rights. A pay review body, as suggested in the HMICFRS recommendations, is clearly not a mechanism for collective bargaining.

We also note that the free trade agreement reached in December 2020 with the EU includes clauses which address labour standards. Under the Trade and Cooperation Agreement's chapter 1, General Provisions, within the section 'Level playing field for open and fair competition and sustainable development', article 8.3 states that both parties continue to commit to ILO standards regarding decent work. Part 8.3.2 reminds us that the fundamental ILO conventions include a commitment to "respecting, promoting and effectively implementing the internationally recognised core labour standards...which are (a) freedom of association and the effective recognition of the right to collective bargaining". The government has stated clearly that Brexit will not be used in any way to reduce labour standards in the UK. It seems this could be the government's first major test of its commitment to this element of the Brexit deal, which the EU will be monitoring closely too, as removing collective bargaining rights would very clearly reduce labour standards.

We hope that the FBU's concerns - and the concerns of the wider labour movement - about the White Paper are clear, and we are happy to meet with you to discuss this further. I look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Wrack', with a stylized flourish at the end.

Matt Wrack
General Secretary