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TO: **ALL MEMBERS**

Dear Brother / Sister

Staying Safe Through the Covid Crisis – the Importance of Agreed Risk Assessments and Control Measures

Through a national agreement, the National Joint Council (NJC) has developed best practice risk assessments for all additional Covid-19 activities. These include strict control measures to protect FRS workplaces, and therefore staff and their households, whilst enabling us to continue to assist our communities through the most challenging stages of this pandemic.

All FBU members are asked to familiarise yourselves with the contents of this circular and to seek advice from FBU officials on any matters of concern. We set out below the importance of these safety measures and the principles and regulations on which they are built.

Requirement by Law

- There is a general duty on all employers to ensure the health, safety and welfare at work of all their employees. This is laid out in the *Health and Safety at Work etc Act 1974*. This duty is expanded in later regulations which spell out the specific requirements on employers to undertake a suitable and sufficient assessment of the risks to the health and safety of their employees to which they are exposed whilst they are at work, for every job activity and process, and also to act upon the findings.
- The main requirement to conduct a risk assessment is in *The Management of Health and Safety at Work Regulations 1999*, which places a legal duty on all employers to carry out suitable and sufficient risk assessments.
- Regulation 4A of the *Safety Representatives and Safety Committee Regulations* requires employers to consult health and safety representatives about all of these risk assessment matters before informing employees about what has been decided and before they make changes.

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Risk Assessment

Risk assessment is the process used to identify hazards in the workplace, the potential consequences of hazards identified, an assessment of the likelihood that these hazards will cause harm to employees and others and also to identify safe systems of work for all activities identified. It is part of a systematic approach employers are required by law to adopt in order to manage health and safety effectively.

Workplace risks should never be seen as inevitable and if risk assessments are undertaken correctly – and employers implement control measures identified fully – then the hazards identified can be removed or considerably reduced.

The risk assessment process should be an examination of the work and workplace to identify what could cause harm to people (a hazard); and an assessment of the chance, high or low, that somebody could be harmed by the hazards identified, together with an indication of how serious the harm could be (the risk). On the basis of this assessment, a decision is made as to what prevention or control measures should be.

Risk Reduction and Hierarchy of Controls

Risk reduction should follow a hierarchy of controls model. For Covid-19, it should begin by eliminating the possibility of transmission, and if this cannot be done, substitute the activity, and so on. PPE should be considered as a last resort control measure, as it is the least effective.

The first aim of risk management should always be to remove the hazard. Unfortunately, some FRS employers often forget this and see their goal as controlling hazards. Again, the law is clear, with the regulations laying down principles for prevention that must be followed when deciding what to do about potential hazards. This means, where possible, the first step must always be to remove the hazard altogether. Only if that is not possible should management look at how to control the hazard. We cannot allow employers to ‘flip’ the pyramid by starting at PPE simply because it is a cheaper and easier option. Despite the fact that many employers make decisions on this basis, the law is quite clear: they must reduce the risk to “as low as is reasonably practicable”. This does not mean what is affordable - **Firefighter health and safety comes before finances.**

Risk Assessments and Covid-19

Where work is taking place, employers must be carrying out a risk assessment. This should be done in consultation with trade union health and safety reps, and any hazards relating to potential coronavirus contamination should be identified, along with agreed mitigation (control) measures.

Specific Covid-19 risk assessments under *Control of Substances Hazardous to Health Regulations 2002 (COSHH)* should be performed in all workplaces. This is a legal requirement, and employers must consult trade unions. It is also a legal requirement that all employers provide their employees with clear and relevant information on:

1. the risks to their health and safety identified by the assessment;
2. the preventive and protective measures.

Certain control measures should be included in all Covid-19 risk assessments, for example social distancing, ventilation and access to hygiene facilities.

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National Joint Council (NJC) Covid-19 Agreement - Best Practice Risk Assessments

Through the NJC, the Fire Brigades Union and the National Employers have put in place a process so as to urgently support fire service efforts to assist in the Covid-19 response. This resulted in the Covid-19 Additional Work Activities Agreement reached on 9 December 2020.

The NJC agreement recognises that the additional work activities bring with them additional risks for those firefighters carrying them out, and that these risks ***do not vary*** across Fire and Rescue Service areas. Therefore, national risk assessments have been provided for each activity and are contained within the NJC agreement. These risk assessments have been agreed nationally and are best practice with any necessary local variations requiring agreement through the local health and safety structures (Joint Committees).

Transmission of Covid-19 between High-Risk Settings and FRS workplaces

The agreement notes that firefighters are undertaking additional activities which have the potential to bring infection into working environments - Covid-19 remains a highly infectious disease and every precaution should still be taken to avoid transmission to the workplace or onward to home.

During the production of the best practice risk assessments, a hazard identified was the transmission of Covid-19 by volunteers carrying out the additional activities travelling between known high-risk settings and FRS settings. This is a hazard that has also been identified within other sectors. For example, there is currently ongoing government consultation taking place on regulations to restrict staff movement between care homes, and between care homes and other health and care settings.

By way of the hierarchy of control model that should be applied to all risk assessment, the best practice national risk assessments seek to eliminate this risk by way of a control measure to detach volunteers working in the higher risk areas, from FRS duties, until the duration of the activity has ceased. Following that cessation, a volunteer will take a test no sooner than 3 days after cessation, to increase the chances of any Covid-19 infection being detectable, and return to the FRS workplace only once a negative test has been received. This control measure protects the FRS workplace and the health and care setting by creating a barrier to eliminate the potential of onward Covid-19 transmission between them. PPE alone does not eliminate this hazard.

As per the 9 December NJC agreement, a review of testing arrangements and/or the availability of vaccination for Grey Book personnel to take place with a view to identifying an alternative approach to this control measure is ongoing. Currently, this review has not concluded, and the existing control measure should be implemented in accordance with the agreed risk assessments – *any failure to do so is not a suitable or sufficient reduction of the risk and, in such circumstances, the activity should not go ahead.*

Summary

Covid-19 does not stop at the fire station door; firefighters are not immune. Firefighters have been on the frontline of this crisis from the start and we continue to be ready to do so. But we are not cannon fodder and will not be treated as such. It is not inevitable that the virus will transmit into FRS workplaces.

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Summary/Cont.....

For FBU members, health and safety good practice is also about enabling work. But that cannot be unconditional. It is about ensuring the work is done safely and protects the health of firefighters and control staff. This is vitally important, not just for our members, but also for the public. An injured or ill firefighter can mean an appliance off the run, a control room understaffed, fire safety audits not being completed, or training not being delivered.

Agreed procedures and control measures exist to remove and mitigate the dangers faced by FRS staff at this incredibly challenging time. The FBU will continue to use all of our resources to ensure risk control measures are implemented.

I urge all members with any concerns about Covid-19 safety in their workplace or any of the areas set out in this circular to contact their FBU Branch and Brigade officials immediately. Brigade officials should ensure that all relevant safety measures are in place within all workplaces.

Health and safety is a right. Help us to ensure we protect ourselves, our families and all our colleagues. That is essential to continuing to protect our communities.

Best wishes.

Yours fraternally

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

MATT WRACK
General Secretary

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