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Circular: **2021HOC0631AD**

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To: **All Members – London**
Cc: All Members

Dear Brother / Sister

MTA Offer from London Fire Brigade

This circular will be sent to:

- All FBU branches in London (with hard copy of the offer).
- All FBU members in London at home (with hard copy of the offer).
- All other FBU branches (without a hard copy of the offer).

All members of the union will be able to view the offer on the FBU website.

Members are asked to bear with us. Our mechanisms for printing and posting materials is currently a little compromised as a consequence of Christmas approaching and the on-going Covid restrictions. In some areas postal services are also adversely affected.

Preface

London members will be aware that the FBU has been in discussions with the London Fire Brigade for some time to try and reach agreement on MTA response. There have been parallel discussions with Greater Manchester Fire and Rescue Service. Both FRSs have now provided the union with an offer which the Executive Council has discussed. With all things considered, the Executive Council has agreed to recommend the offers to the respective members who work in each of the two fire and rescue services.

A home address individual ballot will be conducted in the early New Year, whereby the members in each of the two brigades will be able to cast their vote to accept or reject the offer made by their employer.

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Broad comment on the offer

The offer does not meet all the criteria and elements that the union aspired to achieve in those negotiations. However, it is not without a significant number of merits.

It falls short of what we wanted, but it is also a long way from where we started in those negotiations – and a long way from where we could have ended up.

There are shortcomings and you undoubtedly will easily identify improvements we would want it to contain. If the negotiators and/or the Executive Council felt that more could be squeezed, the Executive Council would not be recommending the offer to members. We would have continued to squeeze.

Comment on specific elements of the offer

Members will consider the terms of the offer. Below are some key points on key elements in the offer.

The **pay element** is a 2% uplift. We pushed hard for more. Firefighters deserve far more. We took as our starting point the 7.5% figure paid to a small team of MTA responders who had volunteered to carry out MTFA/ MTA response some time ago, mindful that there was also a commitment made by those personnel to work an additional 7 x 24 hour shifts per month. (To be clear this was not negotiated by the union.)

The employer did not accede to our claim on the basis that it did not have the budget and could not secure a higher level of funding for an amount above 2% bearing in mind that it would be paying it to the entire workforce and not a small proportion of the workforce.

The Executive Council is mindful that pay increases in the fire and rescue sector have been small and have not protected fire service pay against inflation. However, with the 1.5% pay increase in July plus the 2% on offer – a 3.5% in-year increase in pay hasn't been experienced in the sector for over 15 years. Though it does not account for the loss in the value of firefighter's pay- it does dent the effect of that loss in value.

Members will consider the terms of the offer. Below are some key points on key elements in the offer.

Payment issues where we have not achieved any progress in these discussions

There are two key issues where we have not achieved progress:

- No increase in pay for those working in control, and
- No additional compensation to that already available (from the pension scheme(s); statutory compensation scheme; and /or the current provision in Section 7 Paragraphs 6 – 10 of the Grey Book.

In respect of control room pay, in London, the pay and conditions of the workers in the control room are not determined by the NJC and this has been the case for some 50 years.

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The employer's view (as stated in the offer) is that this is a skills payment and that there are no additional skills required re: control room personnel. We haven't yet won the argument that this is inaccurate. Moreover, if additional skills or activities are required of control room personnel arising from the findings of the Manchester Area Inquiry (MAI) - which will impact on all FRs - this will further strengthen our case.

On compensation, our case is not helped by the fact that additional compensation is not part of any package from those representing police and ambulance workers. It has been argued by the employer that, for them it is incongruous to pay more in compensation for a firefighter who dies at an MTA incident than in the event of a firefighter being killed at other incidents. We should take that as a cue – to increase the compensation automatically paid in the event of death or serious injury at any incident.

On both these issues and indeed on the percentage increase in pay itself, this offer is not the end of the story for the FBU. We will continue to pursue these objectives.

The offer includes addressing two crucial matters:

- It makes clear that firefighters will not be committed to work in the hot zone;
- It establishes that the only safe way to protect communities is for all firefighters, not just teams, to be trained for deployment at MTA incidents in the warm zone.

The clause in respect of no hot zone working for firefighters, resisted for a considerable period by the employer, is incredibly important. As the authors of JESIP guidance and the JOPS made clear at the MAI - the committal of first responders who aren't armed police simply provides the terrorist with a cache of additional targets and victims. The whole concept of first responders (other than armed police) entering the hot zone has been an unsustainable and unjustified change from the previous position outlined in the JOPS document before it was revised.

The clause in respect of all firefighters being trained is a reluctant recognition by the employer of the case long-pursued by the union i.e. that the provision only of small teams is merely a PR exercise at the behest of the government, on behalf of those FRs which provide an MTA response. We have long-argued, in the face of employer-resistance that because FRs will mobilise crews from any fire station to MTA incidents on the basis that they are not known to be MTA incidents, that it is imperative that all firefighters should be trained and equipped to deal with those incidents.

Moreover, because all and any firefighter can be mobilised to such incidents, this clause means that all firefighters will be paid for the additional work that you perform and the additional risk that you face.

We need to be clear over the coming weeks – the job of the union is to ensure that the risk assessment, and the operational procedures which are essential, are competent and reflect the provisions in the collective agreement. No such agreement can be signed, until we have safe systems of work, adequate equipment and adequate training.

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Contextual considerations

Members are aware, that for some years the relevant government department has chosen to assert the falsehood that MTA response is already in the role of the firefighter. It has been an obstacle to being able to progress reaching a national agreement to provide both appropriate terms and conditions and a competent MTA response capability to ensure enhanced rescue capacity for the public.

It is in truth a national scandal that the government puts its ideology before fair treatment for firefighters and before the interests of public safety.

On compensation, our case is not helped by the fact that additional compensation is not part of any package from those representing police and ambulance workers. It has been argued by the employer that, for them, it is incongruous to pay more in compensation for a firefighter who dies at an MTA incident than in the event of a firefighter being killed at other incidents. We should take that as a cue to campaign for an increase in the compensation automatically paid in the event of death or serious injury at any incident. However, members will recognise that this will not be an easy campaign, and it will take some considerable time to achieve it – if of course we are able to achieve it at all.

The much-vaunted White Paper is set to be published (according to the latest prediction in the Home Office) early in the New Year. It can be assumed that the Home Office is also hoping that the MAI Volume 2 report will provide some useful hooks that could bolster its hope to impose MTA response in some way.

You have seen that the HMICFRS (HMI) no doubt egged-on by hawks within the NFCC and Home Office, have played an unhelpful role. The completely non-independent Chief Inspector Sir Tom Winsor has done his best to scupper the chances of the firefighters in London and Manchester receiving an offer and the twelve million people living in London and Greater Manchester being accorded an appropriate MTA response for the first time from their local fire and rescue service.

The HMI letter to LFB and GMFRS dated 28 September 2021 was the first of the most recent episodes in this attempt. More recently, the HMI has sought to exacerbate the situation with the publication on 15 December of the local GMFRS inspection report and the associated press release, alongside the *State of Fire 2021* report. It comes as no surprise that the HMI published these documents in the week when the MAI was receiving closing submissions.

All the signs are there that the hawkish elements within the Home Office and the NFCC in connivance with the HMI have been gearing up to persuade ministers to take an aggressive line on the issue. Those elements have played a completely negative role and are doing their utmost to ensure that they can trigger an imposition of MTA response on to firefighters. A key element of that attempt is the steps that they have taken to try to thwart the collective agreements.

The union is not fazed by these attempts. If the members reject the offer and the government introduces these measures, we are confident in our legal arguments, and we are confident in our members resolve to stand up to employers and government when required.

In the event that no agreement is reached by way of these offers and the government employer(s) impose this non-contractual work we will fight it by all means at our disposal. If we cannot win it industrially then the likelihood is that the matter will end up in court. There is little doubt that the spiteful elements lined-up against us will do all that they can to ensure that the long wait for the matter to be heard in the courts is done in such a way as to inflict as much pain and loss to firefighters as possible. They will be relying on those methods and that courts don't always make the right decisions, to defeat us.

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The key issues for the Executive Council are:

1. the offers in front of members in London in Greater Manchester undermine any such attempt to impose the work without payment.
2. if the offers are rejected, and if we do have to go through the stages of imposition, challenge, refusal to do the work, probable stoppage of pay, and legal success when the matter comes to court – there is little to suggest that any offer made after that will be the same or better than that on the table now.

It is for all the reason stated above in this circular that the Executive Council recommends to members in London (and Greater Manchester) that the offer is accepted.

Concluding remarks

The key elements of this membership consultation are outlined below:

1. It is vital that members make the decision on this matter through the ballot.
2. However each member intends to vote, i.e. whether to accept or to reject, the Executive Council urges all members to cast your vote.

To that end:

3. We urge all members to update your contact information (i.e. address, email address etc.) The form for doing so can be found on this link:
<https://www.fbu.org.uk/forms/change-details-form>

We want to ensure members are informed of all the relevant matters which need to be considered.

4. This can be done via meetings via: Zoom meetings, Teams meetings, and physical meetings in the workplace and your officials will be making arrangements for these to be put in place.
5. In those discussions:
 - The reasons why the Executive Council, despite the shortcomings in the offer, is recommending the offer should be accepted will be explained;
 - It will be made clear that the union is not suggesting that this offer is a panacea;
 - The union will be providing comprehensive information including the full implications of rejection of the offer.

The Executive Council asks you to engage in the consultation, to cast your vote and urges you to support the EC position and recommendation for the reasons that have been set out above.

Yours in solidarity.



Andy Dark
Assistant General Secretary

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