



FIRE BRIGADES UNION

CONFERENCE 2023

**EXECUTIVE COUNCIL POLICY
STATEMENT**

**FIRE AND RESCUE SERVICE
DUTY SYSTEMS**

Since the end of the pay dispute 2002-2004 and the changes to the Grey Book which were then introduced in relation to duty systems, Fire and Rescue Services (FRSs) have periodically sought to introduce changes to the structural duty systems worked in the respective service. On a very few occasions the changes have been considered by members and their union to be 'benign', on a few other occasions the changes introduced have proven to be tolerable. In the main however, the proposed changes pursued by the employer have been motivated by spite, arrogance, disrespect for Fire Brigades Union (FBU) members and often an expression of the outright bullying nature of the advocates of the changes.

Many such proposed changes have been resisted and fought off by officials and members. In the main, the changes have not been welcomed and disgracefully have been forced through by fire and rescue services (with the support of the respective Fire and Rescue Authority) using what is known colloquially as "Section 188" which in more recent times is referred to in common parlance as "fire and rehire". In another instance, i.e. the "day crewing plus"/ "close proximity crewing" duty systems they have been imposed without the legally-required agreement of the Union under the Working Time Regulations. The Union has challenged this on a number of occasions including the successful judicial review into the failure to implement the prior judgment which found against the employer's action.

The proposed changes, whether subsequently defeated or introduced in some form, have not proven to increase overall sector productivity; nor improved service delivery; have exacerbated discontent in the sector; have often introduced difficulties for parents and those with other caring responsibilities; and as a consequence have been a disincentive to the recruitment and/or retention of women into the fire and rescue service. The unnecessary and frankly provocative attacks on FBU members are not confined only to those working the wholetime shift system. Attacks have been mounted on members working the Retained Duty System (RDS), Day-Crewing Duty System, the Flexi Duty System (FDS) and those working in offices and departments on day duties.

Conference is asked to approve a project to assess the scope of the changes, both those which have been introduced and those still being attempted by fire and rescue services and their impact. The project will include the provision of advice on how to challenge attempts to introduce change as well as advice on seeking a reversal and/or corrective alterations to changes already introduced, where appropriate. The project will be commissioned by Conference, overseen and shaped by the Executive Council (EC) and led by head office. Periodic reports will be provided through the structures of the Union with a final consolidated report being produced in time for FBU Conference 2024. This will be called the Executive Council Duty System Review.

The work involved in gathering of data and information will not be a simple task and will require assistance from and engagement by officials at all levels of the Union.

Retained Duty System (RDS)

The Executive Council notes various reports conducted by other organisations and by individual fire and rescue services into the RDS. These reports all highlight the real difficulties facing the sector in relation to the recruitment and retention of firefighters working the RDS. Some FRSs have sought to design new duty systems that ostensibly seek to address matters of recruitment and retention. These systems have not been agreed between the National Employers and the FBU and are therefore not available to all FBU members.

Flexi-Duty System (FDS)

The FDS section of the Grey Book details the principles and conditions that govern the operational rota our Officer members work. This long-standing collective agreement provides FDS Officers with a fixed financial allowance to provide an agreed number of standby hours, thereby ensuring the 24-hour availability of level two, and level three, incident commanders.

The Officers' National Committee (ONC) has identified a gradual deterioration in FDS conditions. FRSs around the country have implemented duty systems which are not in keeping with the grey book. Officer welfare is being put at risk through insufficient rest periods and excessive hours, which can include prolonged exposure on the incident ground making risk critical decisions.

The Executive Council's Duty System Review will consider whether this arises from structural problems within the FDS or a failure of FRS management to honour the national agreement on this duty system.

24 hour shift working

Whilst the Fire Service Duty Systems project proposed above is generic, this statement also addresses one particular type of duty system. For many years Conference has discussed and debated the issue of 24 hour shift working. Conference policy is for a report to be placed before the membership by the Executive Council making recommendations in respect of FBU policy on the matter.

This statement recognises that 24 hour shift working has proved popular with some, perhaps most, members who work the shift system and is thought desirable by many other members. It is of note that it is not popular with some members who have worked the duty system. It is also of note that the National Women's Committee has reported that whilst it may be popular with some women members that a number of women have left the service because of the duty system. Finally, the Control Staff National Committee (CSNC) has made it clear that 24 hour shifts are not suitable nor appropriate for personnel working in emergency fire control rooms.

The actual popularity has not been measured. Moreover, popularity levels are likely to be changeable according to how the duty system operates and how its operation is changed by fire and rescue services over time.

Irrespective of 'popularity' however, the role of the Executive Council is to lead and to provide the best advice to the Union and the membership. Accordingly, this statement reflects the professional collective view of the Executive Council for adoption.

In formulating its position the Executive Council has been mindful of the arguments made in favour of 24 hour shift working and those against. The Executive Council has sought to be objective in its consideration. As it does at all times in respect of all duty systems, the Executive Council has sought to find the correct balance of a number of factors:

- a) A shift system must account for the needs of all groups of members.
- b) It is vital that a shift system is fit for purpose in an industry where scenes of operation include working in high-risk environments where situational awareness and clear-headed assessment and decision-making are crucial and where fatigue can result in fatal outcomes for the individual, their colleagues and for members of the public.

- c) It is essential that a shift system is fit for purpose to ensure that risk-critical assessment and decision-making by those responsible for exercising command control in order to ensure (as far as is possible) the swift and efficient resolution of incidents; the prevention of injury or death of firefighters and the public is not impacted by fatigue.

Consideration of previous Conference debates

In developing this statement, consideration has been given to matters raised in previous Conference and Executive Council debates, including;

- 24 hour shifts are not considered appropriate for implementation in emergency fire control rooms because of the nature of the work routines and the understaffing
- Whilst there is mixed evidence on the issue, there is a serious question concerning the suitability of 24 hour shifts for women members (and, by extension, all members with primary caring responsibilities)
- Whilst the reduction of the carbon footprint arising from a reduced number of car journeys has been cited in debates at Conference, the primary arguments cited in favour of 24 hour shifts centre around the reduction in travel costs arising from the reduction of car journeys made in terms of fuel costs and also, in some cases, road toll charges. These are undoubtedly outcomes that arise from compressed shifts and unarguably are, in isolation, understandably attractive. However, the 2-2-4 shift which is worked in a number of configurations (9/15s; 10/14s; 12/12; 11/13 and others) which are accompanied by the important features of rest breaks and in-work rest periods have long been assessed by the Union as striking the right balance between length of shift and adequate time for rest and recovery; work-life balance and the availability of child-care / dependency care services.

Associated relevant Conference policies

In the conference debates, those speaking in favour of 24 hour shifts have also highlighted the perceived failings / shortcomings of the 2-2-4 system (in relation to rest) which is the Union's preferred wholtime shift system as reaffirmed on many occasions at FBU Conference. The Executive Council does not believe that the 2-2-4 shift system has the shortcomings mentioned in the debates concerning 2-2-4 and does not believe there is convincing and definitive evidence to show that 24 hour shifts are more beneficial than the 2-2-4.

The Executive Council believes that altering shift systems to allow for working hours to be compressed, as is the case with 24 hour working, is not appropriate. Whilst lengthened periods of bed-rest whilst at work can be introduced, a busy 24 hour period negates the value and effect of the bed-rest.

Arguments in favour of 24 hour shift working based around bed-rest lend themselves to weakening the Union's case against day crewing plus duty systems. If the possibility of lengthened bed-rest is sufficient for one period of 24 hour working then the same arguments will be cited by employers as to why two or more back to back 24 hour length shifts are not detrimental to health, safety and welfare and do not pose problems of fatigue.

The Union has a proud history of opposing job cuts in the fire and rescue service. Each year Conference agrees, in one form or another, policy positions opposing cuts. It is of note that in a number of instances the introduction/ expansion of 24 hour shifts by a Fire and Rescue Service has been accompanied by the reduction on the number of posts at the relevant stations. Fire and Rescue Services do not propose 24 hour shifts in the interests of members or service delivery. They propose it in order to introduce job cuts, self-rostering and to deepen lean-staffing.

It is of note, that where introduced, 24 hour shift working is acknowledged by the employer as being likely to lead to heightened fatigue during working hours. In recognition of this, employers have sought not to have 24 hour shift working implemented at all its wholetime stations alongside introducing discretions for managers to take appliances off the run due to fatigue levels amongst personnel. On the one hand, FRSs know that firefighters' commitment to service delivery and public safety means that this facility will not be exercised on most occasions when required. On the other hand, the Fire Brigades Union with our commitment to service delivery and public safety and reduction of response times, cannot and does not condone reductions in fire cover/ availability of appliances arising from fatigue of crews that are the result of a shift system which we have agreed.

Current fire cover levels are inadequate. That has long been acknowledged and condemned by Conference. The FBU cannot and will not be a party to duty systems which build in further reduction in fire cover and increases in response times to fires and other incidents.

In an attempt to prevent the introduction of a myriad of different duty systems into the fire and rescue service, Conference 2017 agreed a flagship policy proposal:

Conference is concerned by the number and variety of new shift patterns being proposed around the country, and urge the Executive Council to instruct Brigade Officials to only negotiate on new shift patterns if they fall in line with Section 4, Part A, Paragraph 7 of the National Conditions of Service (Grey Book).

A Conference policy which advocates or supports the introduction of 24 hour shifts would render that policy redundant.

Significant factors

All firefighters experience serious fires and other incidents which are of a long duration and involve working intensely hard under extreme conditions. These include, for example, responding to serious flooding and wildfires. The geographic scope of these incidents, coupled with the high call rates, large number of appliances deployed often having to be resourced from other fire and rescue services often result in long delays in crews being relieved.

Similarly, both in the UK and abroad, firefighters have had to work in extremely arduous conditions, at fires in buildings and other structures for long periods of time and have been committed into incidents for multiple BA-wears because of shortages of available crews.

On many station grounds across the UK the building stock may not include tall buildings or complex buildings. However, serious fires in all buildings can (and do) occur, are resource-intensive and the attendance, following a 'make-up message' being sent, can mean that the crews on any fire station may be mobilised.

As an example of serious fires, the Grenfell Tower incident is probably the one which is most prominent in many members' minds.

It is universally accepted that it is nothing short of a miracle that the tragic loss of the 72 lives as a consequence of the fire wasn't increased by firefighter fatalities arising from the terrible conditions our members had to endure, and for many of the crews, for an extended period of active firefighting.

The recorded first call to the fire was shortly before 01:00 hours. The first attendance had been on duty for 5 hours. Crews arriving on subsequent make-ups, almost all from London stations, also started their night shift at 20:00 hours. The physical near-complete exhaustion of many of our members, without doubt in the minds of members of the Executive Council, would have been exacerbated, with unthinkable consequences, had those crews been toward/ at the end of a 24 hour night shift.

As previously set out in this statement:

- i. It is vital that a shift system is fit for purpose in our industry where scenes of operation include working in high-risk environments where situational awareness and clear-headed assessment and decision-making are crucial and where fatigue can result in fatal outcomes for the individual, their colleagues and for members of the public.
- ii. It is essential that a shift system is fit for purpose to ensure that risk-critical assessment and decision making by those responsible for exercising command control in order to ensure, as far as is possible, the swift and efficient resolution of incidents; the prevention of injury or death of firefighters and the public is not impacted by fatigue.

This Union has borne witness to the failed prosecution in 2012 of fire and rescue service managers in respect of the 2007 fatal fire at Atherstone on Stour. The Metropolitan Police Service is still investigating the Grenfell Tower fire and won't be making (or revealing) any details of intended prosecutions until the Grenfell Tower Inquiry (GTI) has fully concluded its work.

Over the years, investigation of serious safety events involving firefighter fatalities by all relevant parties, notably the police and the Health and Safety Executive (and in the case of Grenfell Tower fire and the Manchester Arena bombing public inquiries) have, correctly, focused on contributory factors which can and should include issues such as training, assessment, procedures as well as possible fatigue.

Whilst it is noted that fire and rescue services that have introduced 24 hour shifts include measures in their policy documents to provide ostensible mitigation of the shortcomings of 24 hour shift working such as early reliefs, in practice they fail to deliver.

The Executive Council has concerns that the problems identified above will be deepened when the union realises its policy ambition for a broadened role for the fire service with the resultant increase in calls that it will bring.

Whilst not dismissive of the popularity of 24 hour shift working amongst some members who have worked the 24 hour shift system, the Executive Council believes that there is no convincing argument at this stage that a shift system comprising 24 hour shifts can be endorsed supported or promoted for the reasons explained in the narrative above.

Accordingly, Conference is asked to agree that until the outcome of the Union's duty systems review which will include a focus on 24 hour shift working that no new agreements or extension of the current scope of 24 hour shift working should be agreed or promoted by brigade committees.

Conclusions and recommendations in respect of Duty Systems

Conference is asked to approve:

1. A project to assess the scope of the changes, both those which have been introduced and those still being attempted by Fire and Rescue Services and their impact. The project will include the provision of advice on how to challenge attempts to introduce change as well as advice on seeking a reversal and/or corrective alterations to changes already introduced where appropriate;
2. For the avoidance of doubt, Conference is also asked to agree that the FBU review will not spend any time or resource on reviewing or revisiting conference policy in respect of Close Proximity Crewing / Day Crew Plus;

Fire and Rescue services have been informed that until further notice no new agreements on duty systems can be made without the express agreement of the Executive Council, via Head Office. The practical implication of this will be:

3. The Executive Council shall provide a process by which current duty systems and existing agreements are reviewed, to ensure compliance with the Grey Book;
4. That no collective agreements, including amendments to collective agreements, shall be reached with any fire and rescue service that lower the standard of terms and conditions as laid out in the Grey Book;
5. Where local collective agreements are already in situ, no collective agreements shall be reached with any fire and rescue service that would extend practices deemed to be outside of the provisions set out in the Grey Book, including 24 hour shift systems.