

The Fire Brigades Union



Executive Council's

Annual Report 2004

80th Annual Conference

11th - 14th May 2004

FBU - Fighting For You





THE FIRE BRIGADES UNION

FOUNDED 1918

Affiliated to the Trades Union Congress,
Labour Party and Trades Councils

Executive Council's **Annual Report** to the **80th Annual Conference** **2004**

President: **Ruth Winters**
Vice-President: **Phil Micallef**
General Secretary: **Andy Gilchrist**
Assistant General Secretary: **Mike Fordham**
National Treasurer: **Dave Whatton**

National Officers: **John McGhee**
Dave Patton
Geoff Ellis
Paul Woolstenholmes

Bradley House
68 Coombe Road
Kingston upon Thames
Surrey
KT2 7AE

Telephone: 020 8541 1765
Fax: 020 8546 5187
e.mail: office@fbu.org.uk
website: www.fbu.org.uk

**This Annual Report
covers the period
2002 - 2003
as no Annual Conference
took place in 2003**



RUTH WINTERS
President



ANDY GILCHRIST
General Secretary



PHIL MICALLEF
Vice-President



MIKE FORDHAM
Assistant
General Secretary



BRIAN JOYCE
National Treasurer to 30/05/03



DAVE WHATTON
National Treasurer



JOHN MCGHEE
National Officer



PAUL WOOLSTENHOLMES
National Officer



DAVE PATTON
National Officer



GEOFF ELLIS
National Officer

Contents

Section	A	National Joint Council	2 - 31
Section	B	Office of The Deputy Prime Minister	32 - 75
Section	C	Trade Union and Labour Movement	76 - 87
Section	D	Pensions	88 - 97
Section	E	Accident and Injury Fund	98 - 101
Section	F	Legal	102 - 109
Section	G	Internal Administration	110 - 145
Section	H	Education	146 - 151
Section	I	Financial Statement 2002	152 - 163
Section	J	Financial Statement 2003	164 - 175
Section	K	Obituary	176 - 177
Index			178-183

Section



National Joint Council

1 Introduction

2002

The National Joint Council met on the following dates in 2002.

26th February 2002
28th May 2002

In addition, the National Joint Council Standing Sub-Committee met on the following dates.

6th February 2002
19th April 2002
18th June 2002
9th July 2002

The Union appointed the following representatives to the Council for the year 2002.

Mr A Gilchrist	Mr M Fordham
Ms R Winters	Mr J McDonald
Mr J Barbour	Mr A McLean
Mr J Leighton	Mr P Micallef
Mr D Green	Mr D Whatton
Mr M Smith	Mr P Skinley
Mr K Handscomb	Mr M Shaw
Mr E Thornton	Mr S Paine
Mr B Joyce	Ms V Salmon
Mr J Ford	Mr M Butterfield
Ms V Knight	Mr M Nicholas
Mr H Cotter	Mr P Smyth
Mr J Whitaker	

OBSERVERS

Mr G Ellis	Mr D Patton
Mr M Lawson	Mr J McGhee

The Union's representatives on the Joint Standing Sub-Committee were :-

Mr A Gilchrist	Mr M Fordham
Mr M Harper	Ms R Winters
Mr J Barbour	Mr P Micallef
Mr P Skinley	Mr M Smith

2003

Because of the Pay Dispute, there were no meetings of the NJC, but at a Joint Secretariat level there were any number of meetings. Also a smaller, nine strong Employers' negotiating team was created.

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Mr A Gilchrist	Mr M Fordham
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Mr J Barbour	Mr A McLean
Mr J Leighton	Mr P Micallef
Mr D Green	Mr D Whatton
Mr M Smith	Mr P Skinley
Mr K Handscomb	Mr M Shaw
Mr E Thornton	Mr D Mills
Mr B Joyce	Ms V Salmon
Mr J Ford	Mr M Butterfield
Ms V Knight	Mr M Nicholas
Mr H Cotter	Mr J Whitaker
Mr D Beverley	

OBSERVERS

Mr G Ellis
Mr Mike Lawson

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Mr J Barbour
Mr P Skinley

Mr M Fordham
Mr P Micallef
Mr M Shaw
Mr J McDonald

2 National Pay Campaign

The 79th Annual Conference which met in May 2002 gave unanimous support to our EC resolution calling for a four point pay campaign. It was as follows:-

The Fire Brigades Union Executive Council acknowledges the historical benefits of the Fire Service National Pay Formula in maintaining a reasonable level of wages for Fire Service personnel.

However, since the 1980's the characteristics of the UK labour force have changed considerably. This has resulted in a significant decline in the manufacturing sector which has made the Fire Service National Pay less effective in delivering a reasonable living wage to those who render a vital emergency public service to our communities. Simultaneously, the jobs of Firefighters and Emergency Fire Control Staff have become increasingly complex and skilled and this should be reflected in their wages.

The Executive Council commissioned a report from the Labour Research Department on the Fire Service National Pay Formula which was received in April 2002. The report comprehensively endorsed the above points.

After widespread consultation, careful consideration and taking full account of the LRD report, the Executive Council are recommending to this Annual Conference that we mount a vigorous campaign in pursuit of a fair wage for Firefighters and Emergency Fire Control Staff. This should include:

- i An improvement in the basic pay for Firefighters to £30000 by November 2002. Existing differentials across rank structure should continue to apply pending the outcome of the Rank Structure Review
- ii As a Trade Union committed to equality and fair treatment for all members and in recognition of

their pivotal role, Emergency Fire Control Staff to receive the same wages as Firefighters of their equivalent rank.

- iii Firefighters working the Retained and Volunteer Duty Systems can be expected to do the same job as their Wholetime counterparts. They should be trained to the same standard and receive the same pay and conditions.
- iv A modern Fire Service demands a highly skilled and motivated workforce. FBU members are already committed to these important principles. This should be reflected in a more appropriate and relevant Fire Service National Pay Formula.

The Executive Council believe that the above points reflect the Fire Brigades Union's commitment to modernising the Service. It is our wish to pursue and resolve these issues in negotiations with our Employers. It is our express wish to avoid confrontation. If however this is not possible then the Executive Council will recall Conference and recommend that members take strike action in pursuit of a fair wage for Firefighters and Emergency Fire Control Staff.

Pay claim

This resolution became the substance of the claim put to the Employers at the National Joint Council (NJC) meeting on 28 May. In line with standard procedure the claim was referred to the NJC Standing Sub Committee which met on the 6 June to consider the claim. At this meeting the Employers side made it clear that it saw pay improvements and changes in working practices as being intrinsically linked and that this view was shared by the Government. On the following day the 7 June the Employers' side sent a five page letter detailing what it called the Employers Modernisation Agenda and concluding that "at an appropriate time during the forthcoming negotiations we will be replying to your pay claim in the context of this modernising agenda". The EC made it clear to the Employers that it considered that the latter's agenda was neither modern nor a framework for progress. Indeed much of it was a rehash of the Audit Commission of 1995 "In Line of Fire" which sought to destroy the Grey Book Agreement on Conditions of Service and which the Union had vigorously opposed at the time.

Throughout June the membership rallied behind their claim. On June 11, 12000 members and supporters marched in London to demand pay justice on the largest ever FBU organised UK wide demonstration. And between 17 - 21 June a series of well attended mass meetings were held in every Region of the Union.

By early July it had become clear that, despite their earlier firm promise to bring forward concrete proposals on pay by the 9th July, the Employers were still not

prepared to answer the central question which the Union side raised during NJC Sub Committee meetings held since the beginning of June. This was simply to tell the Union the value they placed on Firefighters and Emergency Control Room Staff and to express this in a pay offer which could then be the starting point for meaningful negotiations. It later transpired that the Employers had prepared a position paper on pay which could have been the basis for negotiations at the 9th July NJC meeting, but that the Government had intervened to prevent this from developing into a realistic offer. We now know that the Employers were considering offering a pay package which would have taken a Qualified Firefighter to £25000 per annum by November 2003 subject to progress on the Employers' so-called modernisation agenda.

On the 23 July the Employers effectively passed the buck and in so doing confirmed that the Government had placed them in a negotiating straitjacket. They asked the Union to support them in a joint approach to Government to request an independent inquiry into pay and modernisation in the Fire Service. The EC's response was to argue that these matters were for the NJC to determine and that if there were to be a joint approach to Government, it should be to seek extra funding both to finance pay justice and to invest in the Fire Service which had suffered decades of underfunding.

In the event the Employers, almost certainly influenced by the Government, wrote to the Deputy Prime Minister immediately after the NJC meeting of the 23 July. In their letter the Employers asked the Government to set up an Independent Inquiry to make recommendations on both pay and modernisation. The Employers justified their requests as follows "It has become increasingly clear to the Employers that even if we were to make significant achievements in relation to our modernisation agenda, there would not be sufficient money available to fund any settlement through negotiation". The Employers' press release of the same day was even blunter "The Government had made it clear that it will not bail us out financially if we negotiate a deal we cannot presently afford." So the writing was on the wall. The Government was sending a clear message that it was not prepared to consider the reasoning behind the Firefighters' claim for a step-change increase, nor was it prepared to put right acknowledged shortcomings in the prevailing funding arrangements for the Fire Service. And the Employers had simply passed the baton to the Government via a so called independent inquiry in the hope that the Union's power to resist management imposed change would be ended.

The Union's response to these events was set out in a circular sent to every member on the 25th July. It stated that despite being given every opportunity to do so, the Employers have refused to table an offer on

Firefighters' pay "despite on one occasion a commitment to do so". The letter went on to explain that "the Employers indicated they had indeed been prepared to make an offer on pay at the NJC meeting of 9th July, however Government had told them in no uncertain manner that there would be no new money to fund any offer. As a result they had clearly decided not to make any offer....."

The next scheduled meeting of the NJC was 2nd September and the FBU leadership announced that if an acceptable offer was not made at that meeting then a Recall National Conference would be held on September 12th to authorise preparations for a national strike.

First offer – 4%

The Employers' response at the 2 September NJC was to make the first concrete offer – 4%. In face of this extremely disappointing offer the FBU Executive Council decided to press ahead with the Recall National Conference at which it would seek delegates support for a strike ballot. It also decided to use the following week's Annual Congress of the British TUC to explain the Union's position to the rest of the movement and to seek official TUC support for the Firefighters' and Emergency Control Room Operators' pay campaign.

The morale of the FBU membership remained high despite the failure to reach a negotiated settlement. Over a thousand FBU members demonstrated outside the NJC talks on the 2nd September and it seemed a foregone conclusion to most observers that any Recall National Conference would be unanimous in recommending industrial action in the absence of a realistic offer to negotiate on. At the following week's Annual Congress of the TUC, delegates voted unanimously for the following resolution moved by General Secretary John Monks.

"After receiving a report from the General Secretary of the Union the TUC General Council today expressed their full support for the FBU in their campaign for a new fair pay deal in the Fire Service."

"Britain's Firefighters deliver a crucial service which is enormously valued by the British people. They know that if a disaster strikes their Firefighters will be there to help, whatever the dangers, prepared to put their lives on the line."

"As the Local Government have accepted, the formula by which Fire Services pay has been set for the last quarter of a century is now out of date."

"The FBU have made clear throughout, their wish to avoid industrial action. The Employers should come to the negotiating table without delay to reach a fair and just settlement so that a deeply damaging industrial dispute can be avoided."

"The TUC will be briefing all its affiliates on the issues involved in the FBU's pay campaign. The General Secretary has been asked to keep in close touch with the FBU in the days and weeks ahead and the TUC will be doing its utmost to promote a fair settlement for all Fire Service workers."

It is ironic that the Congress was chaired by Sir Tony Young who the following week was appointed to the Bain Review team, a review which effectively blocked the search for a negotiated settlement for three months, and provoked rather than prevented strikes.

Two days after the TUC Congress debate delegates representing members in all of the UK's 58 Fire Brigades met in Manchester to take stock of the situation. The outcome was never in doubt as speaker after speaker reported that the membership was ready and able to go into only the second national strike in the Union's history. Delegates voted unanimously in support of an EC resolution calling for a ballot authorising national strike action in support of the four point pay claim submitted at the end of May.

The Executive Council was in no doubt that a big majority yes vote was almost a certainty. The case had been made, the activists were up for it, and the feeling of injustice among the rank and file members was palpable. Not many expected the full £30000 but most felt that as long as Firefighters and Control Room Staff made their feelings clear and stayed united then the justice of their case would sooner or later persuade the Government to think again. Accordingly the Executive Council began to put in place a strike strategy in anticipation of a big yes vote so that the momentum gained by a democratic mandate could be seized. Previous experience in local disputes as well as the national strike of 1977 had shown industrial action short of striking to be ineffective. Work to Rules, which effectively meant dealing with emergency calls only, had failed to move Employers in the past since their only statutory duty was to protect the public against death or injury from fire. For all the lip service given to Community Fire Safety and Fire Prevention in its broadest sense, neither the Employers nor the Government saw the withdrawal of these services to be of serious concern.

Bain

Following the rejection by the Union of the 4% offer in early September the Government moved swiftly to advance their joint strategy with the Employers. Mr Prescott announced that he was setting up an Inquiry, as requested by the Employers, into pay and modernisation in the Fire Service and invited the Union to give evidence and present its views on the Inquiry's terms of reference. The EC quickly decided that such an Inquiry was a distraction from the need to find a negotiated settlement. It therefore determined not to have anything to do with such an Inquiry.

Within two weeks the Government had got together the Inquiry team and published its terms of reference. The Inquiry was to be chaired by Professor Sir George Bain and he was to be assisted by Sir Tony Young and Sir Michael Lyons. The three men had some things in common. They had all been knighted by Mr Blair's Government and none had any prior or relevant experience or expertise with Fire Service issues.

The terms of reference for what became known as the Bain Inquiry were as follows:-

"Having regard to the changing and developing role of the Fire Service in the United Kingdom, to inquire into and make recommendations on the future organisation and management of the Fire Service to:

- enable it to undertake the full range of responsibilities that are appropriate to it;
- enable it to respond effectively to all the operational demands which may be placed upon it;
- enable the responsibilities of the Fire Service to be delivered with optimum efficiency and effectiveness.

In the context of the above, such recommendations should include considerations as to:

- the pay levels and conditions of service that are appropriate taking full account of the wider context of pay arrangements, levels and their affordability across the economy;
- the most appropriate arrangements for determining future pay and conditions of service of Wholtime Firefighters, Retained Firefighters, Voluntary Firefighters and Fire Control Room Staff."

The Committee was expected to report before Christmas 2002. All this confirmed the EC's views that such an Inquiry could neither be independent nor assist in resolving the dispute. The terms of reference were too broad as far as the future management of the Fire Service was concerned. But they were very narrow on pay where Bain's recommendation would need to fall within current Government pay policy for the public sector and be directly linked to the perceived savings available from a "modernisation" programme of job cuts. In essence any increase in pay above the going public sector rate would have to be self financing through cuts to establishment levels and services. This is the straitjacket the Government put Bain into and the timescale involved (just over three months) meant that the Inquiry could not possibly carry out its remit to review the management of the UK's Fire Service. The last such inquiry carried out under the chairmanship of Sir Ronald Holroyd in 1970 took three and a half years

to complete. So it was almost a foregone conclusion that Bain would produce a report fashioned in Whitehall to replicate all the cost cutting notions of the Thatcher - Major years in particular In Line of Fire published in 1995, while making any above cost of living pay rises conditional on acceptance of the cuts agenda.

The Union concentrated on finding a negotiated settlement. But Bain was now a road block to this as both the Employers and Government played for time waiting on the convenience of the three knights. However the results of the strike ballot served to concentrate minds on all sides.

88% vote for strike

The ballot result was announced on Friday 18 October. On a huge 83.5% turn out, 87.6% voted for strike action. In Northern Ireland, where papers were counted separately, an astonishing 96.6% voted to strike. This was unprecedented support in a ballot where every paper went to members' homes and was returned directly to the independent Electoral Reform Society for validation and counting. The EC moved quickly and announced on that same Friday what it called the first series of strike dates. These amounted to six periods of strike action between the end of October and Christmas Eve. They started with two 48 hour strikes and finished with four 8 day strikes. They deliberately excluded November 5th and the Christmas period, traditionally periods when public safety is at the greatest risk from fire damage. The first response from Government was not encouraging. On the day the strikes were announced John Prescott stormed out of a Press Conference when questioned about the dispute and in the same evening Fire Minister Nick Raynsford labelled Firefighters as criminals, a statement he later withdrew.

Pressure was now put on Bain, by Ministers and the media to produce an interim report with his recommendations on pay. As a result of the overwhelming strike ballot for industrial action both Employers and the Government were forced to reconsider their positions and talks resumed between the Union and both these parties. To assist this process the FBU Executive called off strikes planned to begin on October 24th (48 hours) 2 November (48 hours) and 6 November (8 days). On the 4th November the EC replaced these with a new 48 hour strike due to begin on the 13 November thus giving the Employers a further nine days to come up with a realistic offer.

The interim report from Bain was released on the 12th November. It had been widely leaked by the Government over the previous weekend. Bain recommended 11.3% on the total paybill over two years conditional on the biggest reform of working practices and management/industrial relations structures ever seen in the Fire Service. These reforms

were clearly intended to cut jobs and to enable Fire Authorities to pay any increase in salaries within their current budgets. Fewer Firefighters, more overtime and rest day working, extra responsibilities including paramedics for an increase of £10 a week in take home pay was the gist of Bain's recipe for Fire Service pay.

Far from providing a basis for settlement Bain was flagging up what many had suspected since the announcement of the Inquiry; the Government had no intention of recognising the validity of the Union's claim despite the overwhelming vote from members supported by many CFO's and elected politicians with Fire Service responsibilities and the overall strength of the arguments for step-change improvements in 2002. The Employers, were at this stage, tied to Bain and the talks on November 12th consequently made no progress. At this meeting a derisory offer of 4% plus the total Bain package was tabled by the Employers.

So the first national fire strike for a generation began at 18.00 hours on the 12th November. It was of 48 hours duration and was totally solid. Widespread public support was evidenced by visits to picket lines and donations to Hardship Funds.

On the 19th November the FBU Executive put forward its own view of Fire Service modernisation. This was very much based on the Government's own Draft White Paper published in 2001 but subsequently abandoned for reasons never explained by Ministers. The EC's approach was to show, as confirmed by the Pathfinder trials and research carried out on the Union's behalf by Ernst and Young, that extra investment now could save many lives and over £3 billion a year to society as a whole, in reduced NHS costs and insurance costs for example, in the future. In a letter to John Prescott, enclosing the FBU modernisation document, the General Secretary said "As I have stated many times we would have no difficulty discussing a significant increase in pay in conjunction with an open and progressive discussion on modernisation.....It is our sincere wish to avoid future strike action and we believe a genuine commitment to deal with pay linked to modernisation as set out in the attached document could be the basis for achieving this."

Under pressure from the Government and the Union the Employers agreed to resume negotiations on the 19 November. At these talks the FBU negotiators made it clear that the Union's opposition was not to modernisation but to cuts in the Service. By the 21st November these talks had developed into full negotiations. Significant progress was achieved and a position paper drawn up which would have been the basis for delivering 16% by November 2003, and allowed the 8 day strike planned to begin the next day to be suspended so that full negotiations could begin the following week. But around dawn on the

22nd November the Office of the Deputy Prime Minister intervened by refusing to give the Employers the freedom to pursue this line of negotiation. The Employers were nearly as furious as the Union about the Government's intervention. In a circular to his members the Employers side Secretary Charles Nolda said "The draft agreement prepared overnight by the Joint Secretaries ...was endorsed by the FBU, but not by the Employers following a last minute request from Government sources that the Employers should not endorse the draft until Ministers had considered it. This is a new procedure of which we had been given no prior notice."

The TUC also reacted angrily to the Government's blocking tactics. In a letter to all Trade Union General Secretaries, TUC General Secretary John Monks indicated that "The TUC is defending the draft agreement as robust, fair and workable – and is doing all it can to help the FBU in this new, difficult phase of the dispute."

So extraordinary Government tactics, sometimes apparently directed by Civil Servants rather than Ministers, made the 8 day strike unavoidable. In a press Conference on the 25th November the Prime Minister signaled an all out Government propaganda campaign to undermine the Union. He said ".....the FBU leadership claims that the Government somehow wanted this disputethis idea is palpably absurd." And then he went on to describe how and why the Government had intervened to block a negotiated settlement the basis for which had been agreed by both the Employers and Union sides!

He then proceeded to pluck a few figures out of the air to show how the proposed settlement threatened the stability of the whole economy. He said it would add £500 million to the costs of the Fire Service while the Employers' estimate was £70 million. He then said if applied across the whole of the public sector it would cost an extra £16 billion or 30% on the tax bill for the basic rate taxpayer. This was clearly desperate stuff later repeated by a Governor of the Bank of England and the Chancellor of the Exchequer. The actual cost of the full FBU claim (the four points) was 40p per week per household on council tax and the cost of 16% over two years about 10p per week on council tax. The Prime Minister went on to call on Sir Jeremy Beecham, the Head of the Local Government Association to put together a new and more focused negotiating team which would consult Bain about the financial parameters for any settlement.

On the 26th November speaking in the House of Commons, the Deputy Prime Minister explicitly linked job cuts to the money required to reach a pay settlement. He told Parliament that 20% of the UK Fire Service personnel will be retiring over the next few

years which could pave the way for natural wastage and cuts in establishment levels. To the ex shop steward and seafarer's rank and file leader this appeared to be totally unproblematic.

ACAS intervenes

In early December, following the extremely solid 8 day strike, ACAS intervened to try to find a way forward to a negotiated settlement. At its meeting of the 2nd December the FBU EC decided to meet with ACAS and to suspend the 8 day strike due to start on the 4th December. In the same week a group of Labour MP's launched the "Save our Fire Service" National Campaign.

On Saturday 7 December the FBU and TUC organised a joint demonstration in support of Fair Pay in the Fire Service. On a bitterly cold day over 15000 demonstrators marched through Central London in a colourful and noisy display of unity and solidarity.

The talks at ACAS went on until the week before Christmas. And the Employers announced that they could be in a position to make an offer during the week commencing the 6 January 2003. In the light of these developments the EC decided to suspend the 8 day strike due to start on 16th December.

On Thursday 9th January representatives of the Employers side of the NJC outlined a framework offer which stuck to the Bain recommendations (4% in 2002 plus an average of 7% in 2003) subject to unreserved acceptance of all the proposals on reform. For the first time this was linked to a specific proposal to cut jobs – 2% year on year for the next four years or over 4000 Wholtime posts. This was clearly a long way short of what had been proposed in November. Consequently the EC called a further strike for Tuesday 21st January for 24 hours.

In a letter to Charles Nolda the Employers side Secretary dated 11 January 2003, Andy Gilchrist sought clarification that the understandings reached at the NJC in November still stood. These related to a new pay formula, Retained Firefighters parity in pay rates, and a process to examine pay parity for Emergency Control Room Operators. And the General Secretary emphasised that negotiations could not continue on the basis of one side (the Union) being required to "unreservedly commit" to the other side's agenda (the Employers' based on Bain). At ACAS the following day the Employers agreed to reconsider their position and to let the Union know the position within the next 48 hours. In the event the Employers refused to budge and it appeared to the EC that another impasse had been reached. Accordingly strike dates were set for 48 hour strikes beginning Tuesday 21st January, Tuesday 28th January and Saturday 1st March.

The strike on the 21st January was again 100% solid.

Following this and pressure from ACAS, the Employers agreed to further talks without pre-conditions (ie. without the Union being required to give unreserved commitment to Bain). But within days it was clear that the Employers agenda remained unchanged and at the EC meeting on the 27th it was agreed to proceed with strikes set for the 28th January and the 1st February.

Imposition

On the 28th January the Deputy Prime Minister announced that the Government would be bringing forward legislation to give the Secretary of State powers to set terms and conditions of employment and to redeploy equipment in the Fire Service. This measure was to become the Fire Services Bill and was widely condemned by the TUC, other unions, the many employment law specialists, as a draconian crypto-fascist measure, totally contrary to the UK's responsibilities under international law.

But the continuing solidity of the 48 hour strikes persuaded the Government to promote further ACAS talks. On the 3 February Mr Prescott met with the Union and Employers to clarify a number of issues and he confirmed that the Employers were able to enter into constructive negotiations without preconditions excepting that Ministerial approval would be needed for any settlement which required additional Central Government funding. On this basis the EC agreed the next day not to set further strike dates and to resume talks at ACAS the following week. A Recall Conference was set for March 19th at which it was hoped to put an improved offer from the Employers for consideration.

Early in March the Employer's side tabled a new offer. This was described as a final offer. It outlined a three stage pay agreement giving 16% by the 1st July 2004 producing a £25000 per annum basic salary for Qualified Firefighters. It also offered a guarantee of a new pay formula for at least 2 years. But much of the language on the proposed new conditions of service was of "management rights to determine" rather than the need to seek consensus and agreement.

Not surprisingly therefore the EC at its meeting of the 6 March decided to recommend that members reject the offer at Branch meetings organised in the run up to the Recall Conference on March 19th. But there was to be a last minute intervention by the Independent Chair of the NJC Professor Frank Burchill. He brought the two sides together on the 17th March and by the 18th March the Employers had submitted a new offer which went some way to meeting Union concerns on the way the new working conditions were to be formulated and agreed. The EC felt able to recommend this final offer in its new form.

The Recall Conference met the following day – the 19th March. It voted not to accept the EC's advice

therefore rejecting the Employers so called final offer. On the 20th March the EC decided to circulate the amended final offer to all members home addresses indicating that it had been rejected by the Recall Conference. The circular asked members "to consider this offer ahead of a new Recall Conference to be held in 2 to 3 weeks time". In the event the Recall Conference was arranged for Tuesday 15 April.

The Government moved quickly following the Recall Conference's decision to reject the offer. On the following day the 20th March, John Prescott told the Commons that he was seriously considering using his powers to impose a settlement. Heavy hints were put about that any imposed settlement need not be as "favourable" as the Employers final offer and that we could be returning to Bain's 11% directly linked to job losses. This was not a surprise to the EC. In a letter to members dated the 20th March the General Secretary explained to members that the threat of imposition and indications from the Employers that this "final offer" was conditional on the EC recommending it to members were among the reasons why the EC had recommended acceptance. Later that day the President and the General Secretary met John Prescott who explained that he was under some pressure to ban strikes in the Fire Service and hinted that imposition was the lesser of the two evils. In all of the negotiations since the turn of the year the spectre of war and the threat of intervention by the Attorney General to injunct strikes as being a threat to public safety were never far away. Now the Union was faced with the strong possibility of imposition by a Government with a huge Parliamentary majority and a few senior Ministers with a clear agenda to crush the FBU as an effective force in the Fire Service.

Against this background the EC met on the 26 and 27 March. It decided to recommend to the next Recall Conference that the decision of the 19 March Conference be confirmed and that a new set of strike dates be drawn up but not activated while UK troops were involved in the Iraq War. The Union negotiating team then began to informally explore yet again possible ways of re-opening negotiations.

Burchill proposals

On the 2nd April Professor Frank Burchill sent a letter to both the Employers' side and the Union outlining a possible way forward. These became known as the Burchill proposals. Their essence was to strengthen the agreement by including the requirement that change in working conditions be agreed with the Union within the context of the requirements of the IRMP's and that failure to agree on these issues should be subject to binding arbitration.

The EC met on the 7 April to discuss the Burchill proposals. It decided to endorse them and to

recommend that the Recall Conference adopt them as the basis for future negotiations with the Employers. The Employers and the Government reacted angrily and, without a single piece of evidence to back their assertions, argued that the Burchill proposals, on what were essentially procedural issues, would add £70 million a year to the cost of any settlement. The Union tested this by asking Fire Authorities to cost "Burchill" – not one reply was received supporting Minister Raynsford's costings, reflecting the total unreality of the Employers'/ Government position. Clearly Ministers were either misguided or totally misled by the advice given to them by senior civil servants.

The Recall Conference met in Brighton on the 15 April. It overwhelmingly rejected the Employers offer of the 18th March and decided by a 2 to 1 majority to consult members on the Burchill proposals. By a big majority it recognised "that the FBU membership will not take strike action during the current hostilities in Iraq." In a circular to all "home addresses" the next day the General Secretary asked Branches to meet urgently so that the EC meeting due to be held during the week beginning 12 May could be "fully appraised of members' views."

Informal talks with the Government and Employers side continued during late April and early May. The failure of the National Employers' side to respond positively to the "Burchill" proposals led to increased pressure from local Fire Authorities, MP's from all parts of the UK and local councillors to re-open negotiations and to reach a reasonable settlement quickly. By the time the EC met on May 15th there were clear indications that the next meeting of the Employers side on Monday 19th May would be in a position to decide on a new offer. The EC decided to reconvene on the 20th May to consider this offer having "agreed a strike strategy which is wholly dependent on the outcome of the Employers' meeting."

The new offer headed "Fire Service Pay and Conditions Agreement 2003" was considered by the EC to be the basis for agreement to be recommended to the members for acceptance. In a circular of the 22nd May the EC said " ...this proposed agreement differs significantly from previous offers made by the Employers and meets many of the concerns expressed by members when rejecting those offers."

On Duty Systems, the main stumbling block in previous negotiations, the EC had this to say:-

"The proposed agreement on Duty Systems and working time arrangements is significantly different than any previous offer and maintains the existing Duty Systems in the Grey Book."

"If Fire Authorities wish to introduce other Duty Systems they need to be agreed with the Union and have to be justified to meet the Risk Management Plan. Change for changes sake and imposition by management is not provided for in the proposed agreement. If agreement is not reached then it can be referred to a Technical Advisory Panel, on which the Union will be represented."

"Alternative Duty Systems will need to meet certain safeguards on issues such as working time, safety and family friendly policies."

"Overtime will not be able to be used to support shortfalls in establishments and will only be on a voluntary basis."

Conference accepts offer

The Recall Conference held on June 12th voted by a majority of 3 to 1 to accept the Employers' offer. It recognised that "this offer requires further detailed agreement within the NJC on a number of matters" and that the membership would be "fully consulted prior to final agreement being reached on each of these issues."

There then began four months of detailed talks to secure implementation of the agreement. On July 9th the EC circulated to members a provisional agreement for approval on a New Pay Formula which would link future pay rises for all FBU members to movements in the average pay for the Associate Professional and Technician classification in the New Earnings Survey carried out each year. This was overwhelmingly endorsed at Branch meetings and agreement was finalised with the Employers before the end of July. By the 20th October substantive agreement had been reached on a position statement and on the 21st October the General Secretary was able to circulate to members the following list for approval:-

- Minimum of 7% from November 7th 2003 on the basic pay of all members.
- Additional 3.2% for all Emergency Fire Control Staff from 7th November 2002.
- Pay parity for Retained members which equates to 13.74% from November 2003.
- A new National Pay Formula linking the pay of all Firefighters to the Associate Professional and Technical group of workers.
- A new non discriminatory scheme to be negotiated based on Continued Professional Development will replace the Long Service payments (phased in over 2006-2007).

- Competence/Qualified pay reached after three years rather than four years.
- Opportunity to earn payments for additional responsibilities.
- Further 4.2% from 1st July 2004.
- Guaranteed minimum £25,000 for all "competent" Firefighters at 1st July 2004 and for Control Members £23,750.
- If accepted this will mean the ending of the Union's overtime ban from November 7th 2003.
- If accepted, with effect from 7th November 2003 as stated in the Fire Service Pay and Conditions, Wholetime and part time employees on the shift, day crewing and day duty systems will be free to undertake Retained duties where appropriate. There will be no barrier to any employee working on a combination of different Wholetime, part time and Retained duty systems.

There remained anxiety about the 15 year Long Service Increment (LSI) which it was proposed to replace by a new system of payments to reward Continual Professional Development. This latter scheme will be introduced by 1 July 2006 to coincide with a phased reduction of LSI and will completely replace LSI by 1 July 2007. The new system will be funded by the money currently spent on LSI. Clarity on this and other questions was provided to all members in a circular dated 22 October.

On Emergency Fire Control Room pay the Employers agreed to a joint job evaluation exercise to assess the relative weights of the jobs. After a number of workplace visits and discussions the job evaluation team agreed that the Control pay should be increased from 92% to 95% of the Firefighters' rate. After consultation with the Control Staff National Committee and membership, the EC agreed to accept the job evaluation report and the NJC subsequently ratified this backdating payments to 7 November 2002.

While the principle of Retained Firefighters pay parity was conceded by the Employers early in the negotiations the devil proved to be in the detail. After a number of meetings at Officer level a new structure for the Retained was agreed subject to consultation with the membership. This produced an overall annual increase of 13.74% at stage 2 to be paid from 7 November 2003. The new pay structure includes an annual retainer (10% of basic pay of a Wholetime Firefighter) an hourly rate for work carried out and a disturbance payment for every call out. These arrangements were approved by the Retained National Committee and therefore became part of the substantive agreement.

It was expected that the position paper would be endorsed by the full Employers' side of the NJC on the 28 October and subject to membership approval, by the FBU Executive on the 3rd November. But at their meeting on the 28th October the Employers' side agreed that the 7% Stage 2 payment due on November 7th 2003 should be phased with 3.5% payable (but backdated to 7 November) once all the negotiations on Disputes and Disciplinary Procedures, and the structure of the NJC had been completed and the Audit Commission had confirmed that there was clear evidence of the implementation of new working practices at Brigade level.

Although rumours had been circulating in early October that phasing or delay was being considered by the Employers this was never officially conveyed to the Union side. On the strength of the rumours the General Secretary sought assurances from the Deputy Prime Minister and from the Audit Commission. The latter confirmed that it had no status in the implementation of the Pay Agreement, while Mr Prescott provided an "avoid the question" answer to the General Secretary's letter which had stressed the importance of full payment in November to the success of the Fire Service reforms and to improving morale.

So there was widespread dismay when the Employers' dropped their "phasing" bombshell. Members in a number of Brigades took unofficial action including responding only to emergency calls. The EC decided to respond to the Employers provocation by going to a postal ballot of the whole membership to ask whether members were prepared to accept a phased payment of Stage 2. The result was announced on the 28th November. On a 56% turnout the members had voted 3 to 1 to accept.

As this report is being prepared talks continue on a new disputes procedure and a revised Grey Book. It is anticipated that these will be satisfactorily concluded well before Conference so as to enable the early pay of the outstanding 3.5% (backdated to 7th November 2003) and prompt payment of the 4.2% due on 1st July 2004 provided that the Employers show good faith by honouring the agreements they have signed up to.

This has been an historic dispute, only the second in the Union's history and the first to challenge New Labour's overall approach to public sector pay, public service provision and management. It has achieved much but not everything we set out for. The Union has held together and the unity, dignity and determination of the membership has secured the best public sector deal this pay round on average, around £1500 per annum on average above what the old Pay Formula would have produced.

Campaign organisation

Once the September Recall had supported the EC's recommendation to ballot for strike action a number of organisational decisions were activated. It was decided to produce a National Strike Bulletin to go out to stations several times a week and to set up a National Pay Campaign Co-ordinating Committee with representatives from every Region and Section. Each Region was expected to replicate this form of organisation.

A number of unions, notably UNISON, RMT and ASLEF provided assistance with specialist stuff, and printing and mailing operations whenever required. Particular attention was given to relations with the media, on press releases and news stories, feature articles and letters.

Parliament and the political process

A number of initiatives were taken to promote the campaign with MP's, MSP's, MWA's and members of the Northern Ireland Assembly. The results were mixed.

The Northern Ireland Assembly, following extensive lobbying by the Union, gave the campaign unanimous support. Unfortunately it was stood down early on in the dispute and replaced by a direct rule administration. In Scotland the Union received wide support from Members of the Scottish Parliament to the extent that MSP's blocked attempts to repeal Section 19. And in Wales the devolved Assembly was kept fully abreast of events and individual Assembly members interceded with the ODPM to urge that he use his good offices to promote a negotiated settlement.

Every elected member of the UK Parliament received direct mail from the Union at crucial times during the campaign and the General Secretary addressed full meetings of the Trade Union Group of Labour MP's on two occasions. Regular support was given to the Union by the Socialist Campaign Group of MP's and we were able to place Parliamentary Questions as well as giving a number of MP's extensive briefings before important debates on the Fire Service and our campaign.

In the House of Lords, Baroness Turner and Lords McCarthy, Wedderburn and Lea were extremely helpful in pushing union-friendly amendments to the draconian Fire Services Bill which threatens our right to strike. Although these amendments were unsuccessful they put down important markers for the future by obtaining assurances from Ministers that this law is not intended to be used to block strikes which are otherwise lawful.

A national lobby of Parliament was held on March 12th 2003 to protest about the axing of Section 19 and the

opportunity was taken by the several hundred FBU members and supporters who saw MP's that day to press the case for Government action to support a negotiated settlement to the dispute.

Negotiating team

The Executive Council appointed the President, the General Secretary and the Assistant General Secretary to be the Union's negotiating team. The negotiating team was assisted as appropriate by other EC Members and Officials.

3 Pay and Conditions Agreement 2003

CIRCULAR NJC/01/03 dated 13th June enclosed the agreement which is set out under:-

FIRE SERVICE PAY AND CONDITIONS AGREEMENT 2003

1 Introduction

- 1.1 This agreement sets out the changes in conditions of service, and associated pay rises, for a modern Fire Service.
- 1.2 In reaching this agreement the NJC recognises that the role of a modern service is the reduction in loss of life, injury, economic and social cost arising from fires and other hazards.
- 1.3 The Fire Service is responsible for:
 - risk reduction and risk management in relation to fires and some other types of hazard or emergency,
 - community fire safety and education,
 - fire safety enforcement,
 - emergency responses to fires and other emergencies where it is best fitted to act as the primary agency responsible for the rescue of people including road traffic accidents, chemical spillages and other large-scale incidents such as transport accidents; and
 - emergency preparedness coupled with the capacity and resilience to respond to major incidents of terrorism and other chemical, biological, radiological or nuclear threats.

- 1.4 The principal components of “firefighting” and “fire control” work are covered by the relevant Fire Service national role maps. These role maps reflect Fire Service responsibilities incorporated into local risk management plans in order to:
- apply a risk-based approach to fire cover and to all its activities in deciding how best to use its resources,
 - focus on reducing the level of fire and other emergencies,
 - develop and maintain effective partnerships with a range of agencies in the public, private and voluntary sectors where these can deliver cost-effective improvements in community safety,
 - adopt safe systems of working to secure the health and safety of both its staff and the general public; and
 - minimise the impact of the incidents it attends and of its response at those incidents on the environment.

2 Pay

2.1 STAGE 1

With effect from 7th November 2002

All current pay rates and retained fees for all ranks will be increased by 4%. This increase will be paid as soon as possible after this agreement has been ratified and will be backdated.

STAGE 2

With effect from 7th November 2003

A new pay structure, linked to the IPDS role structure and producing average pay increases of 7%, will be agreed by the NJC by 31st October 2003. The NJC has already agreed a role-based structure to replace the current rank structure and also that, in developing the detail of a new pay structure, it will need to consider differentials between each role, increments within each role (including the 15-year long service increment) and protection arrangements for individuals, where they are needed. It is for this reason that the pay increase at this stage is expressed as an average of 7%.

STAGE 3

With effect from 1st July 2004

An increase of 4.2% will be applied to the new pay structure agreed at Stage 2. For Qualified/Competent Firefighters this would produce a cumulative increase of 16% over stages 1 to 3 and an annual salary of £25,000.

The pay increases at stages 2 and 3 are subject to:

- (a) completion of all the negotiations and consultations referred to in this agreement and, where appropriate, their ratification by the Fire Service National Employers, the Fire Brigades Union and Government; and
- (b) verification by the Audit Commission (England and Wales), Accounts Commission (Scotland) and Government (Northern Ireland) that the intended benefits (including savings) of the various national changes are being delivered locally.

STAGE 4

With effect from 1st July 2005

Pay to be increased in line with a pay formula. The details and terms will be agreed by the NJC by 31st July 2003.

STAGE 5

With effect from 1st July 2006

Pay to be increased in line with the pay formula agreed at Stage 4.

Both sides of the NJC recognise that Firefighters are now placed in the “Associate Professional and Technical” occupational classification in the Government’s new earnings’ survey and that this will be an important consideration in agreeing this pay formula.

Retained Firefighters

- 2.2 The NJC has agreed the principle of pay parity for Retained Firefighters with their Wholetime counterparts. By 31st October 2003 the NJC will agree a new pay structure, for implementation on 7th November 2003, incorporating this principle and covering all existing fees and allowances. Any pay improvements resulting from this new structure will be in addition to those at paragraph 2.1.

Emergency Fire Control Staff

- 2.3 The NJC will make arrangements for a joint evaluation of the relative job weights of the Firefighters’ and Emergency Fire Control Operators’ jobs, taking all relevant considerations into account. The results of this evaluation will be reported to the NJC by 31st July 2003. If it is agreed that the existing 92% relationship should be improved, this will be backdated to 7th November 2002.

3 Integrated Risk Management and Working Time Arrangements

Integrated Risk Management Plans

- 3.1 Following recent decisions by Government, Fire

Authorities are now required to produce Integrated Risk Management Plans. These plans will not only include the provision of appropriate cover to respond to fire and other emergencies but will also take into account other factors such as legislative and community fire safety and the training of Firefighters and Emergency Fire Control Staff. Each of these issues has been the subject of detailed work by the CFBAC and there has been broad agreement between all stakeholders on the way forward.

- 3.2 The Integrated Risk Management Plan, including the determination of the number of personnel on duty at each location at different times of day, is a decision for the Fire Authority, having consulted with the appropriate parties. It does not require any formal collective agreement and, as at present for Section 19 applications, cannot be a matter for the disputes procedure.

Duty systems

- 3.3 Employees currently work on one of five duty systems: shift, day crewing, Retained, day duty and flexible (the shift system usually operates on a 2-2-4 basis although this is not required by the existing national agreement). These duty systems will continue to operate on the basis that employees will undertake the duties appropriate to their role and be deployed to meet the requirements of the Fire Authority's Integrated Risk Management Plan, including working at different locations. The basic weekly hours for the shift, day crewing and day duty systems are 42 per week (including meal breaks) and Wholetime and part-time employees on those duty systems will also be free to undertake Retained duties where appropriate.

- 3.4 Where the Fire Authority decides that alternative duty systems are needed for the delivery of its Integrated Risk Management Plan, these should be discussed with the recognised trade union, based on the following principles:

- (i) Average 42 hours' basic week (inclusive of three hours' meal breaks in every 24 hours) for Wholetimes; pro-rata for part-timers.
- (ii) At least two periods of 24 hours free of duty every week.
- (iii) Compliance with any relevant UK or European law, including the Working Time Regulations and Health, Safety and Welfare at Work Legislation.
- (iv) Working arrangements will have regard to the special circumstances of individual employees and be family friendly.

- 3.5 If there is no agreement between the Fire Authority and Trade Union over any alternative duty system then this difference can be referred to a Technical Advisory Panel. The Panel will be chaired by an Independent Expert (to be appointed by the two sides of the NJC), who will be assisted by the Joint Secretaries.

- 3.6 The members of the Panel will seek to broker an agreement between the parties. If that is not possible then the Panel will make recommendations. The Panel's recommendations would ensure that the duty system follows the four principles set out at paragraph 3.4 and is compatible with the deployment of resources that the Fire Authority has determined is necessary to implement its Integrated Risk Management Plan. This process would have to be concluded within one month of reference to the Panel, or longer with the agreement of the parties. The parties will decide their response to any recommendations from the Panel within fourteen days of receipt.

Part-time employees

- 3.7 This agreement provides for the introduction of part-time working for employees in all roles in the Fire Service. The conditions of service of part-time employees will be the same as those of Wholetime employees and their pay and leave will be proportionate to the number of hours worked.

Overtime

- 3.8 Employees will be free to undertake pre-arranged overtime at premium rates of pay for no more than 24 hours per month, averaged over a six-month period. This will be on a voluntary basis. Pre-arranged overtime will not be used to make up any planned shortfall in the overall staffing levels set out in the Fire Authority's risk management plan. This will require the Fire Brigades Union to lift its current ban on pre-arranged overtime.

4 Other Conditions of Service in the National Agreement

- 4.1 By 31st October 2003 the NJC will agree for inclusion in the Grey Book statements of commitment on:

- health and safety
- occupational health
- family friendly working arrangements

- 4.2 By 31st October 2003 the NJC will review the following parts of the Grey Book:

- fairness at work
- maternity provisions

- 4.3 By 31st October 2003 the NJC will agree a revised Grey Book, drawn up on the principle that detailed conditions of service for local application will be derived from the nationally agreed framework.

5 Disputes Procedure

- 5.1 Locally unresolved differences over the alternative working arrangements at paragraph 3.4 can be referred to the Technical Advisory Panel in accordance with paragraph 3.5.
- 5.2 The NJC will review the operation of the procedure for dealing with other local disputes by 31st October 2003.

6 Discipline

- 6.1 If the Fire Service Discipline Regulations are abolished then the NJC will agree a procedure to take their place that takes into account the principles of the ACAS Code of Practice on Disciplinary and Grievance Procedures.

7 Negotiating Machinery

- 7.1 By 30th November 2003 a working group representative of Fire Service stakeholders will propose revisions to the Constitution of the NJC. The report of this working group will be presented to the appropriate Fire Service stakeholders for ratification during December 2003.

Joint positive statement

CIRCULAR NJC/13/03 dated 2nd December 2003 sets out the details of the Agreement. It reads as follows:-

JOINT SECRETARIES' POSITION STATEMENT ON THE IMPLEMENTATION OF THE FIRE SERVICE PAY AND CONDITIONS AGREEMENT 2003

20th OCTOBER 2003

1 Introduction

- 1.1 The Fire Service Pay and Conditions Agreement reached on 13th June 2003 (and set out in circular NJC/01/03) required the National Joint Council to conduct detailed negotiations around the implementation of that framework. This statement sets out the provisional positions reached in negotiations and invites the Fire Service National Employers and the Fire Brigades Union respectively to ratify those positions with a view to them being agreed formally by the two sides of the NJC later this month.

- 1.2 Negotiations have yet to be concluded on:

- guidance on the pay issues relating to (i) the assessment of competence for each role within the IPDS structure (which is dependent on the publication of an impending Fire Service Circular) and (ii) the assessment of job size for some of the roles
- the disputes procedure, where there has been preliminary discussion on principles and ACAS are continuing to assist the parties in the drafting of guidance on consultation, negotiation and dispute resolution processes to replace the existing disputes procedure
- a revised Grey Book, drawn up on the principle that detailed conditions of service for local application will be derived from the nationally agreed framework, including the following items that were set out in paragraphs 4.1 and 4.2 of the agreement:
 - health and safety
 - occupational health
 - family friendly working arrangements
 - fairness at work
 - maternity provisions

2 Pay formula

- 2.1 Paragraph 2.1 of the Fire Service Pay and Conditions Agreement 2003 stated, with regard to the pay increases at 1st July 2005 and 1st July 2006 respectively:

"STAGE 4

With effect from 1st July 2005

Pay to be increased in line with a pay formula. The details and terms to be agreed by the NJC by 31st July 2003.

STAGE 5

With effect from 1st July 2006

Pay to be increased in line with the pay formula agreed at Stage 4."

- 2.2 The agreement further stated:

"Both sides of the NJC recognise that Firefighters are now placed in the 'Associate Professional and Technical' occupational classification in the Government's new earnings' survey and that this will be an important consideration in agreeing this pay formula."

- 2.3 The NJC subsequently reached the following agreement, which was set out in circular NJC/05/03, published on 29th July 2003:

"On 1st July 2005 and 2006 all pay rates determined by the NJC for Local Authorities' Fire Brigades shall be adjusted in line with the movements in the average pay for the Associate Professional and Technical classification (full-time, male and female) in the New Earnings' Survey for April the previous year projected to the operative date of the pay increase, which will then be compared with the previous July's figure."

3 Emergency Fire Control Staff

3.1 Paragraph 2.3 of the Fire Service Pay and Conditions Agreement 2003 stated:

"The NJC will make arrangements for a joint evaluation of the relative job weights of the Firefighters' and Emergency Fire Control Operators' jobs, taking all relevant considerations into account. The results of this evaluation will be reported to the NJC by 31st July 2003. If it is agreed that the existing 92% relationship should be improved, this will be backdated to 7th November 2002."

3.2 Each side of the NJC subsequently appointed a job evaluation consultant, who produced a joint report that was considered by the two sides of the NJC ahead of the 31st July deadline. The consultants required further time to gather additional information before they were able to reach an agreed conclusion on some of the evaluation factors. In the light of their subsequent report the NJC has reached the following agreement:

"Both sides of the National Joint Council fully accept that the Fire Service Pay and Conditions Agreement 2003 includes the work of Emergency Fire Control rooms, in particular the expectations set out in paragraphs 1.3 and 1.4 of the agreement."

Following the joint evaluation of the relative job weights of the Firefighters' and Emergency Fire Control Operators' jobs, it has been agreed that the existing 92% pay relationship should be improved to 95% with effect from 7th November 2002."

4 Stage 2 pay award

4.1 Paragraph 2.1 of the Fire Service Pay and Conditions Agreement 2003 stated that with effect from 7th November 2003:

"A new pay structure, linked to the IPDS role structure and producing average pay increases of 7%, will be agreed by the NJC by 31st October 2003. The NJC has already agreed a role-based

structure to replace the current rank structure and also that, in developing the detail of a new pay structure, it will need to consider differentials between each role, increments within each role (including the 15-year long service increment) and protection arrangements for individuals, where they are needed. It is for this reason that the pay increase at this stage is expressed as an average of 7%."

4.2 The NJC's agreement to adopt a role based structure, which was reached in 1998, created the following seven firefighting roles:

Firefighter
Crew Manager
Watch Manager
Station Manager
Group Manager
Area Manager
Brigade Manager

4.3 The 1998 agreement used the term "commander" but a broad consensus has since emerged that the term "manager" is more appropriate. (The pay and conditions of Brigade Managers are determined in the National Joint Council for Principal Fire Officers of Local Authorities' Fire Brigades and are not a feature of this agreement).

4.4 The 1998 agreement set out the following anticipated assimilation from the existing rank structure to the new role-based structure:

Firefighter	Firefighter
Leading Firefighter	Crew Manager
Sub-Officer	Watch Manager
Station Officer	Watch Manager or Station Manager
Assistant Divisional Officer	Station Manager or Group Manager
Divisional Officer III	Group Manager
Divisional Officer II	Group Manager
Divisional Officer I	Area Manager
Senior Divisional Officer	Area Manager

4.5 With effect from 7th November 2003 this new role structure provides the basis for the pay structure set out at paragraph 4.14 below, which shall apply to all employees in firefighting roles (including those on the Retained duty system). Adoption of the new role-based structure will also enable Fire Authorities to implement the Integrated Personal Development System at any time from that date. For

employees in post on 6th November 2003 the assimilation process in paragraphs 4.31 to 4.37 below will apply with effect from 7th November 2003.

- 4.6 Subject to the necessary legislative changes, appointment to these roles will no longer be restricted by the terms of the present Fire Services (Appointments and Promotions) Regulations but will be determined by ability to meet the requirements of the appropriate role map and job function.
- 4.7 In addition to the firefighting roles above there is also a requirement to develop control-specific roles. The following will apply:

Fire Control Operator	Firefighter (Control)
Leading Fire Control Operator	Crew Manager (Control)
Senior Fire Control Operator	Watch Manager (Control)
Fire Control Officer	Watch Manager (Control) or Station Manager (Control)
Group Fire Control Officer	Group Manager (Control)
Principal Fire Control Officer	Group Manager (Control)

- 4.8 The adoption of the above roles will not, once the necessary legislative changes have been made, preclude employees in control-specific roles from being appointed to any of the roles set out in paragraph 4.2 above, including Area and Brigade Manager.

Application of IPDS

- 4.9 For IPDS purposes, each individual will pass through a number of developmental stages in the course of demonstrating competence:

Training

For the roles of Firefighter and Firefighter (Control) the training stage is the point at which an individual is in full-time training and is not yet performing the role in its appropriate context. An individual in this position would receive a trainee rate of pay.

Development

The development stage is where an individual is working in the role, under supervision and is being assessed against the different functions that make up that role. While individuals are in this stage,

and before they show competence in the full requirements of the role, they will receive the development rate of pay.

Competent

After all applicable functions have been assessed as having been sufficiently achieved by an individual, they will have demonstrated "competence" in their role and receive the appropriate competent rate of pay.

- 4.10 It is not possible to specify a time period for competence to be demonstrated as it depends on the specific requirements of individuals, accessibility to assessment and the opportunities available. The whole basis of the new approach is to tailor development to meet individual and organisational needs, so the progress of each individual must be considered in the context of these variables. It can, however, be reasonably expected that the majority of employees, on any duty system, should show competence within the following timescales:

Firefighter	Three years from entry to the service
All other roles	18 months from entering the programme

- 4.11 Detailed guidance on the assessment of competence is still under consideration and will form the basis of a Fire Service Circular in due course.

Pay points within each role

- 4.12 For roles above Crew Manager there will be two pay points at competent level, which will reflect job size. The guidance for determining whether a particular post should be at the A or B level still needs to be agreed by the NJC.

IPDS pay structure

- 4.13 The following pay structure will apply with effect from 7th November 2003. Paragraph 2.1 of the Fire Service Pay and Conditions Agreement 2003 states that under Stage 3 of the pay award, which applies from 1st July 2004, an increase of 4.2% will be applied to the new structure agreed at Stage 2. The resultant pay rates, for employees on a 42-hour week, are set out below. Part-time employees shall be paid at the appropriate proportion of these rates.
- 4.14 Individuals in post on 6th November 2003 will be placed on the following new pay scales with effect from 7th November 2003 in accordance with the assimilation process set out in paragraphs 4.31 to 4.37 below:

	£ pa STAGE 2	£ pa STAGE 3
Firefighter		
Trainee	18,000	18,756
Development	18,750	19,538
Competent	23,959	25,000
Crew Manager		
Development	24,593	25,942
Competent	25,654	27,061
Watch Manager		
Development	26,586	27,907
Competent A	27,324	28,682
Competent B	29,745	30,994
Station Manager		
Development	30,940	32,239
Competent A	31,869	33,207
Competent B	34,126	35,559
Group Manager		
Development	34,833	36,574
Competent A	35,878	37,671
Competent B	39,502	41,161
Area Manager		
Development	41,032	43,034
Competent A	42,263	44,325
Competent B	45,887	47,814

4.15 Casual and pre-arranged overtime shall be paid at one and a half times the appropriate hourly rate.

4.16 Employees on the flexible duty system shall receive an allowance of 20% of basic pay.

Pay for employees on the Retained duty system

4.17 The new pay structure for employees on the Retained duty system incorporates the principle of parity of hourly rate with employees on other duty systems for all hours of work activity. The new structure produces an overall average increase of 13.74% at Stage 2 of the national pay award.

4.18 The present Retained pay structure includes an annual retaining fee together with fees for weekly drill nights, turn-outs, attendances, and hourly rates for pre-arranged duty. The new structure includes an annual retainer (which is set at 10% of the appropriate Wholetime annual salary) and an hourly rate paid for all work activity (which is the same as the hourly rate of an employee on a Wholetime duty system). Where an employee is called out (and would currently receive a turn-out or attendance fee) they will receive a disturbance payment, fixed at the same rate for employees in every role, in addition to the hourly rate for the work they undertake.

4.19 The following pay structure, reflecting these principles, will replace the current national pay structure set out at Section VII of the Grey Book:

Annual retainer

The annual retainer for an employee providing full cover (which is defined as cover of at least 120 hours per week) shall be 10% of the annual basic pay of a Wholetime employee in the same role and same development or competence position.

Where an employee provides cover for less than 120 hours per week the Fire Authority may set a lower annual retainer subject to it being no less than 75% of the of the annual retainer for an employee providing full cover.

The annual retainer for an employee providing cover as part of the day crewing duty system shall be 5% of that employee's Wholetime annual basic pay.

Work activity

All work activity will be paid at the basic hourly rate of a Wholetime employee in the same role and same development or competence position. Where the employee has been called out to an emergency they shall receive a minimum of one hour's pay where they form part of the crew that responds to the incident and a minimum of half an hour's pay where they do not form part of that crew.

Disturbance payment

An employee called out to an emergency shall also receive a fixed disturbance payment on each occasion in addition to the pay they receive for the work activity undertaken. That payment shall be £3.15 per occasion with effect from 7th November 2003.

4.20 The new pay structure with effect from 7th November 2003 for employees on the Retained duty system is set out below.

	STAGE 2			STAGE 3		
	1 £ per annum	2 £ per hour	3 £ per occ	1 £ per annum	2 £ per hour	3 £ per occ
Firefighter						
Trainee	1,800	8.22	3.15	1,876	8.56	3.28
Development	1,875	8.56	3.15	1,954	8.92	3.28
Competent	2,396	10.94	3.15	2,500	11.42	3.28
Crew Manager						
Development	2,459	11.23	3.15	2,594	11.85	3.28
Competent	2,565	11.71	3.15	2,706	12.36	3.28
Watch Manager						
Development	2,659	12.14	3.15	2,791	12.74	3.28
Competent A	2,732	12.48	3.15	2,868	13.10	3.28
Competent B	2,975	13.58	3.15	3,099	14.15	3.28
Station Manager						
Development	3,094	14.13	3.15	3,224	14.72	3.28
Competent A	3,187	14.55	3.15	3,321	15.16	3.28
Competent B	3,413	15.58	3.15	3,556	16.24	3.28
Group Manager						
Development	3,483	15.91	3.15	3,657	16.70	3.28
Competent A	3,588	16.38	3.15	3,767	17.20	3.28
Competent B	3,950	18.04	3.15	4,116	18.80	3.28
Area Manager						
Development	4,103	18.74	3.15	4,303	19.65	3.28
Competent A	4,226	19.30	3.15	4,433	20.24	3.28
Competent B	4,589	20.95	3.15	4,781	21.83	3.28

Column 1 shows the full annual retainer

Column 2 shows the hourly rate for work undertaken

Column 3 shows the disturbance payment per call-out

4.21 It is not anticipated that any employee on the Retained duty system will be worse off under the new pay structure than the current one for the same pattern and level of work activity. However, in the highly unlikely event that this should occur, Fire Authorities are asked to consider appropriate protection arrangements.

4.22 The existing long service bounty scheme shall continue to apply until the question of a pension scheme for employees on the Retained duty system has been resolved nationally. The existing rates will be increased by 7% with effect from 7th November 2003.

4.23 The existing arrangements whereby volunteer Firefighters are paid for all activity at the hourly rate of a Retained Firefighter shall continue to apply.

Pay for employees in control-specific roles

4.24 The pay rates for control employees on a 42-hour week are set out below. Part-time employees shall be paid at the appropriate proportion of these rates.

	£ pa STAGE 2	£ pa STAGE 3
Firefighter (Control)		
Trainee	17,100	17,818
Development	17,813	18,561
Competent	22,761	23,750
Crew Manager (Control)		
Development	23,363	24,645
Competent	24,371	25,708
Watch Manager (Control)		
Development	25,257	26,512
Competent A	25,958	27,248
Competent B	28,258	29,444
Station Manager (Control)		
Development	29,393	30,627
Competent A	30,276	31,547
Competent B	32,420	33,781
Group Manager (Control)		
Development	33,091	34,745
Competent A	34,084	35,787
Competent B	37,527	39,103

Pay for non-operational employees

4.25 Revised rates of pay for non-operational employees with effect from 7th November 2003 are set out at **Appendix A**. These provide an increase of 7% on existing basic rates.

15-year long service increment

4.26 The Equal Opportunities Commission code of practice and recent case law have highlighted the potentially discriminatory effect of incremental scales based purely on length of service, and of long incremental scales. The IPDS pay structure set out in paragraphs 4.14, 4.21 and 4.24 above does not therefore include any service-related pay points.

4.27 By 1st July 2006 the NJC will negotiate the introduction of payments based on the principle of rewarding continual professional development. All employees would have an equal opportunity of access to such payments, which would be outside both the IPDS basic pay structure in paragraphs 4.14 and 4.24 above and the provision for additional responsibility payments in paragraphs 4.40 to 4.41 below. The payments would also be compatible with appropriate guidance published by the Equal Opportunities Commission.

4.28 These payments will be funded from the net savings resulting from the 15-year long service increment being phased out over the life of the five-stage pay settlement set out in the Fire Service Pay and Conditions Agreement 2003. The increment will be frozen at £990 per annum (£940 for control-specific roles) with effect from 7th November 2003 and phased out on the following basis, ceasing to apply with effect from 1st July 2007:

	Firefighting roles	Control roles
7th November 2003		
– 30th June 2006	£990	£940
1st July 2006		
– 30th June 2007	£495	£470

4.29 Employees who reach 15 years' service between 7th November 2003 and 30th June 2007 shall qualify for payment of the long service increment at the rate applicable at the time.

4.30 An employee who is promoted to a higher role during this period shall cease to qualify for payment of the long service increment. Arrangements will need to be put in place to ensure that all employees receive a pay increase on promotion.

Assimilation process for existing employees on Wholetime duty systems

4.31 Firefighters and Fire Control Operators who have completed four years' service by 6th November 2003 will be deemed "competent" for pay purposes and assimilated to the competent rates in the new structure with effect from 7th November 2003. Employees in substantive ranks above Firefighter or Fire Control Operator on 6th November 2003 shall be deemed "competent" for pay purposes in the following roles with effect from 7th November 2003:

Existing substantive rank	New role
Firefighter	Firefighter
Leading Firefighter	Crew Manager
Sub-Officer	Watch Manager A
Station Officer (rider Station Officer)	Watch Manager B
Station Officer (specialist not on flexible duty system)	Watch Manager B
Station Officer (on flexible duty system)	Station Manager A
Assistant Divisional Officer (not responsible for a group of stations)	Station Manager B
Assistant Divisional Officer (responsible for a group of stations)	Group Manager A
Divisional Officer III	Group Manager A
Divisional Officer II	Group Manager B
Divisional Officer I	Area Manager A
Senior Divisional Officer	Area Manager B
Fire Control Operator	Firefighter (Control)
Leading Fire Control Operator	Crew Manager (Control)
Senior Fire Control Operator	Watch Manager (Control) A
Fire Control Officer (not on flexible duty system)	Watch Manager (Control) B
Fire Control Officer (on flexible duty system)	Station Manager (Control) A
Group Fire Control Officer	Group Manager (Control) A
Principal Fire Control Officer	Group Manager (Control) B

- 4.32 Employees in temporary promotion positions (as defined by Section VI paragraph 13(3) of the Grey Book) on 7th November 2003 shall be assimilated to the appropriate pay point in their temporary role until they revert to the role equivalent to their former rank.
- 4.33 Wholetime Firefighters and Fire Control Operators with less than four years' service on 6th November 2003 will be assimilated to temporary assimilation pay points with effect from 7th November 2003. These assimilation points are equivalent to the current pay points (up to and including fourth year) enhanced by 7% with effect from 7th November 2003, 4.2% from 1st July 2004 and subsequent pay increases. Employees in this position will continue to receive increments on the assimilation points related to their length of service. They will move onto the competent rate of pay once they have completed four years' service or are deemed competent in IPDS terms, whichever is the earlier.
- 4.34 **Appendix B** sets out these assimilation arrangements in tabular form. They provide a minimum 7% pay increase on all basic pay points with effect from 7th November 2003.
- 4.35 Where the assimilation process on 7th November 2003 creates a basic pay increase of more than 7%, and the postholder is in receipt of a long-service increment, then the long service increment shall be reduced with effect from that date by the cash amount by which the increase exceeds 7%.

Assimilation process for existing employees on the Retained duty system

- 4.36 Employees in post on the Retained duty system on 6th November 2003 shall be deemed "competent" for pay purposes in the following roles with effect from 7th November 2003:

Existing substantive rank	New role
Firefighter	Firefighter
Leading Firefighter	Crew Manager
Sub-Officer	Watch Manager A
Sub-Officer in charge of station	Watch Manager B
Station Officer	Station Manager A

- 4.37 Employees in temporary promotion positions (as defined by Section VII paragraph 11(1) of the Grey Book) on 7th November 2003 shall be assimilated to the appropriate pay point in their temporary role until they revert to the role equivalent to their former rank.

Acting up and temporary promotion

- 4.38 Where there is a need for either acting up or temporary promotion, it is necessary for the individual to have met the following criteria:
- (1) demonstrated competence in their current role
 - (2) demonstrated potential to develop beyond their current role
 - (3) successfully completed the relevant assessment process for the higher role
- 4.39 It is recognised that in the early stages of the implementation of IPDS there may be difficulties in applying these principles on all occasions and Fire Authorities, trade unions and employees should adopt a co-operative common sense approach to any problems that might arise.

Additional responsibility payments

- 4.40 With effect from 7th November 2003 additional responsibility payments may be made to individual employees to reward additional skills and responsibilities that are applied and maintained outside the requirements of the role but within the job function. The payments will be based on the requirements of the Fire Authority's integrated risk management plan, which may include payment for skills shortages where these are directly applicable to delivery of the IRMP.
- 4.41 The maximum payable to an individual will be determined locally. Additional responsibility payments will be temporary and non-pensionable and may be withdrawn following reasonable notice from the Fire Authority.

5 Duty Systems

- 5.1 With effect from 7th November 2003 the duty systems and working time arrangements set out in paragraphs 3.3 to 3.6 of the Fire Service Pay and Conditions Agreement 2003 will apply in full, where they do not apply already.
- 5.2 The NJC has started the process of appointing an Independent Expert to chair the Technical Advisory Panel.

6 Overtime

- 6.1 Paragraph 3.8 of the Fire Service Pay and Conditions Agreement 2003 stated that employees will be free to undertake pre-arranged overtime at premium rates of pay (one and a half times the appropriate hourly rate) for no more than 24 hours per month, averaged over a six-month period, and required the FBU to lift its current ban

on pre-arranged overtime. The ban has been lifted with effect from 7th November 2003.

- 6.2 Pre-arranged overtime will be worked on a voluntary basis and will not be used to make up any planned shortfall in the overall staffing level set out in the Fire Authority's risk management plan. The arrangements for the application of this agreement should be the subject of consultation between the Fire Authority and recognised Trade Unions.

7 Wholetime and Part-time Employees Undertaking Retained Duties

- 7.1 Paragraph 3.3 of the Fire Service Pay and Conditions Agreement 2003 made it clear that Wholetime and part-time employees on the shift, day crewing and day duties systems should be free to undertake Retained duties where appropriate. With effect from 7th November 2003 there is no barrier to any employee working on a combination of different Wholetime, part-time and Retained duty systems at the same or different places of work or to employees working on different duty systems making up the crew of the same fire appliance. The arrangements for the application of this agreement should be the subject of consultation between the Fire Authority and recognised Trade Unions.

8 Negotiating Machinery

- 8.1 The NJC has appointed Rita Donaghy, Chair of ACAS, to convene a working group of representatives of Fire Service stakeholders, who will propose revisions to the constitution of the NJC. The report of this working group will be presented to the appropriate stakeholders for ratification during December 2003.

20th October 2003

APPENDIX A

NON-OPERATIONAL STAFF

RATES OF PAY WITH EFFECT FROM 7th NOVEMBER 2003

	£ pa
Non-operational staff (Fire Control Operator equivalent)	
During first six months	15,331
After six months and during 2nd year	16,011
During 3rd year	16,772
During 4th year	17,597
During 5th year	19,164
Non-operational staff (Leading Fire Control Operator equivalent)	20,522
Non-operational staff (Senior Fire Control Operator equivalent)	
During 1st year in rank	21,051
During 2nd year in rank	21,847

Employees with at least 15 years' service will receive a long service payment of £792 per annum

NOTES OF CLARIFICATION

Paragraph 4.5

What will be the pay position of employees who are promoted on or after 7th November but before the Appointments and Promotions Regulations have been amended and guidance on assessment has been published?

Until the Appointments and Promotions Regulations have been amended, promotions will technically still be to ranks rather than roles and, until the publication of the impending Fire Service Circular, there will be no method of assessing competence. Therefore, for promotions that take place before these two events have occurred, promoted employees will be deemed competent for pay purposes in the roles set out in the table in paragraph 4.31.

Once the regulations have been amended and the guidance on assessment has been published, promoted employees will be placed on the development point of their new role.

Paragraphs 4.19 and 4.20

Will employees on the Retained duty system receive a disturbance payment and a guaranteed minimum of one hour's pay for turn-outs that occur when they are already at an incident or drill night? If not, then, under the costing model used during negotiations, the

assumed average increase of 13.74% will not be achieved.

The intended application of the new pay system would mean that a disturbance fee would be paid only where the employee is not already on duty. Once they are on duty then pay would be at the appropriate hourly rate for the time actually worked, subject to a minimum of one hour from the time of being called out (or half an hour where they do not form part of the crew that attends the incident).

However, it is accepted that this may create an increase slightly below the intended 13.74%. As a result the Employers would be prepared to agree that for the period from 7th November 2003 to 30th June 2004 inclusive, a disturbance payment will be made on all occasions that a turn-out or attendance fee would currently be paid and that a minimum of one hour's payment would be made for all turn-outs.

The NJC would monitor a sample of Fire Authorities to determine how frequently these payments are made for second and subsequent turn-outs. With effect from 1st July 2004 the application would revert to that originally intended and only one disturbance payment would be made for each continuous period of work activity (and none where the employee is already at a drill night). We will calculate any savings generated by this revised method and these would be used to increase the disturbance payment with effect from 1st July 2004 above the level of £3.28 set out in paragraph 4.20, thus ensuring that the average increase would remain at 13.74% (at 7th November 2003 rates).

The interim arrangement would be similar to the current pay structure and would give Fire Authorities longer to prepare for paying under the new method with effect from 1st July 2004.

Paragraph 4.21

What protection arrangements will apply to employees on the Retained duty system?

Employees will receive a minimum increase of 7% for the same pattern and level of work activity.

Paragraph 4.26 to 4.30

Will the protected 15-year long service increment and proposed payments for rewarding continual professional development be pensionable?

The 15-year long service increment will of course continue to count as pensionable pay. Our assumption is that the proposed payments for rewarding continual professional development will be covered by the definitions of pensionable pay in the Firefighters' Pension Scheme and Local Government Pension Scheme.

Paragraph 4.30

What arrangements will be made to ensure that all employees receive a pay increase on promotion where they otherwise may not as a result of the phasing out of the 15-year long service increment?

The Employers would be prepared to agree that employees who lose the 15-year long service increment on promotion to the development rate of a higher role, will receive a minimum pay increase of £300 per annum, which will be achieved through partial protection of the long service increment.

This principle would also apply in cases of temporary promotion and acting up.

Appendix B Note 7

What increases will apply to these roles on 1st July 2005 and 1st July 2006?

The following additional increases will apply over the life of the life of the pay stages set out in the Position Statement:

Crew Manager (Competent) to increase by £946
£316 on 1st July 2004
£315 on 1st July 2005
£315 on 1st July 2006

Watch Manager (Competent A) to increase by £606
£202 on 1st July 2004
£202 on 1st July 2005
£202 on 1st July 2006

Group Manager (Competent A) to increase by £824
£275 on 1st July 2004
£275 on 1st July 2005
£274 on 1st July 2006

Area Manager (Competent A) to increase by £824
£275 on 1st July 2004
£275 on 1st July 2005
£274 on 1st July 2006

These increases are all expressed at 7th November 2003 rates. In practical terms they will need to be enhanced by future pay increases so:

- the 2004 increases will be further enhanced by 4.2%
- the 2005 increases will be enhanced by 4.2% and the 2005 pay formula increase
- the 2006 increases will be enhanced by 4.2%, the 2005 pay formula increase and the 2006 pay formula increase

The development rates for each of these roles will also be increased to maintain the current relationship with the above rates.

The equivalent Emergency Fire Control roles will be enhanced by 95% of the above figures.

Paragraph 7.1

The removal of the barriers referred to in this paragraph could create a situation where individuals are required to work an unreasonable number of hours. Surely this is not the intention?

No. Working arrangements will need to comply with the requirements of the Working Time Regulations and Health and Safety and Welfare at Work legislation, have regard to the special circumstances of individual employees and be family friendly.

Paragraph 4.27 and 4.28

Who will be eligible for payments for continual professional development and when will such payments be available?

The process will be totally non-discriminatory and all employees will have equality of opportunity in gaining access to such payments. Payments would be phased in as the net savings resulting from the phasing out of the 15-year long service increment are being phased out with effect from 1st July 2006.

Pay Formula 2005 - 2006

CIRCULAR NJC/05/03 dated 29th July 2003 reported the following:-

1. The Pay and Conditions Agreement of 13 June included the following in paragraph 2.1:

Stage 4

with effect from 1 July 2005

Pay to be increased in line with a pay formula. The details and terms will be agreed by the NJC by 31 July 2003.

Stage 5

with effect from 1 July 2006

Pay to be increased in line with the pay formula agreed at Stage 4.

Both Sides of the NJC recognise that Firefighters are now placed in the "Associate Professional and Technical" occupational classification in the Government's New Earnings Survey and that this will be an important consideration in agreeing this pay formula."

2. We are writing to inform you that the NJC has, within the required timescale, reached agreement on the following mechanism to determine the pay increase in 2005 and 2006:

"On 1 July 2005 and 2006 all pay rates determined by the NJC for Local Authorities' Fire Brigades shall be adjusted in line with the movements in the average pay for the Associate Professional and Technical classification (full time, male and female) in the New Earnings Survey for April the previous year projected to the operative date of the pay increase, which will then be compared with the previous July's figure."

4 Control Staff – Job Evaluation

CIRCULAR NJC/11/03 dated 28th November 2003 reported the following:-

1. The pay and conditions agreement of 13th June included the following:

"The NJC will make arrangements for a joint evaluation of the relative job weights of the Firefighters' and Emergency Fire control Operators' jobs, taking all relevant considerations into account. The results of this evaluation will be reported to the NJC by 31st July 2003. If it is agreed that the existing 92% relationship should be improved, this will be backdated to 7th November 2002."

2. Each side of the NJC subsequently appointed a job evaluation consultant, who produced a joint report that was considered by the two sides of the NJC ahead of the 31st July deadline. Circular NJC/04/03 informed Fire Authorities that the consultants required further time to gather additional information before they were able to reach an agreed conclusion on some of the evaluation factors. In the light of their subsequent report the NJC has reached the following agreement:

"Both sides of the National Joint Council fully accept that the Fire Service Pay and Conditions Agreement 2003 includes the work of Emergency Fire Control rooms, in particular the expectations set out in paragraphs 1.3 and 1.4 of the agreement."

Following the joint evaluation of the relative job weights of the Firefighters' and Emergency Fire Control Operators' jobs, it has been agreed that the existing 92% pay relationship should be improved to 95% with effect from 7th November 2002."

- Revised rates of pay for the ranks of Fire Control Operator to Principal Fire Control Officer for the period 7th November 2002 to 6th November 2003 inclusive are **attached**. These supersede the rates set out in circular NJC/02/03.
- Annual salaries for the ranks of Fire Control Officer to Principal Fire Control Officer are exclusive of any entitlement to the 20% flexible duty system supplement.
- The weekly rates are equivalent to the annual rates divided by 52.167 (rounded down to the nearest penny). The hourly rates are equivalent to the weekly rates divided by 42 (to the nearest penny) except for the ranks of Fire Control Operator to Senior Fire Control Operator where they are equivalent to the 40-hour weekly rates divided by 40.
- The casual overtime rates for the rank of Fire Control Officer apply only to employees in that rank who are not on the flexible duty system.

5 Revised Allowances

CIRCULAR NJC/07/03 dated 30 October 2003 announced the following:-

- The following revised allowances apply with effect from 1st January 2003:

Out of pocket expenses – Section VI paragraph 4(2)(i)

£4.31 per night
£17.26 per week

Subsistence allowance – Section VI paragraph 8(1)

Breakfast	£5.57
Lunch	£7.70
Tea	£3.04
Evening meal	£9.54

Removal expenses allowance – Section VI paragraph 9

Advertising costs	£279.77
Tenancy costs	£335.73
Disturbance allowance	£1655
Lodging allowance	£111.83 per week

6 Revised Car Allowances

CIRCULAR NJC/08/03 announced the following:-

- The following revised allowances (Section IX paragraphs 20(7)(i) and 20(8)(ii)) apply with effect from 1st April 2003:

	451- 999cc	1000- 1199cc	1200- 1450cc
Essential Users			
Lump sum per annum	£657	£735	£945
Per mile up to 8500 miles	28.6p	31.5p	38.7p
Per mile over 8500 miles	10.6p	11.3p	12.8p
Casual Users			
Per mile up to 8500 miles	36.4p	40.2p	49.9p
Per mile over 8500 miles	10.6p	11.3p	12.8p
Amount of VAT per mile in petrol element	1.051p	1.097p	1.201p

- Authorities are reminded that while, under the terms of Section IX paragraph 20(2), the allowance payable shall be in accordance with such grading as the Fire Authority may approve, where an essential user who is conditioned to the flexible duty system actually uses a vehicle with an engine capacity in excess of 1199cc then the allowance payable shall be for the category 1200 to 1450cc.

CIRCULAR NJC/09/03 dated 30th October announced:-

Mileage Rate for Travel To and From Residential Training Courses

- It has been agreed that the rate payable to members who travel by private vehicle to and from residential training courses (Section VI paragraph 4(3)(ii) of the Grey Book) shall increase to 44.2p per mile with effect from 1st April 2003.

Mileage Rate for Travel Under the Removal Expenses Scheme

- It has also been agreed that the rate payable to members who travel by private vehicle from their old to new home (Section VI paragraph 9(1)(ii) of the Grey Book) shall increase to 44.2p per mile with effect from 1st April 2003.

7 Devon Dispute – Independent Mediation

CIRCULAR NJC/7/02 dated 21st May 2002 reported the following:-

1. In January 2001 the NJC Joint Secretaries sought to conciliate between Devon Fire and Rescue Service and the FBU in the light of a dispute over the compulsory transfers of a number of Firefighters from a particular Watch at Plymstock Fire Station. The dispute had at its root differences between members of that Watch over volunteering for co-responder duties. Following those conciliation talks it was agreed to approach ACAS to appoint an Independent Mediator to carry out an Inquiry into the events leading to the dispute.
2. The Independent Mediator was Mr John Harris. His terms of reference were:

"To consider the wider circumstances that led to the dispute over compulsory transfers from Plymstock Fire Station and to make any appropriate observations and recommendations."
3. Mr Harris was assisted by the NJC Joint Secretaries acting in the role of assessors. There were three hearings: on 26th April, 12th July and 3rd October, all held in Exeter.
4. In paragraphs 115 and 116 of the report the Independent Mediator recommended the establishment of a Joint Working Party to examine industrial relations in Devon and to produce proposals to bring about an improvement in industrial relations. The local parties and NJC Joint Secretaries have met with ACAS officials and the working party has now been set up.

A summary of the Mediator's recommendations is below

Para. 113.

I have given the most careful consideration to all the evidence submitted to the Inquiry Panel, both written and oral, and I make the following comments and recommendations.

Para 114.

With regard to the DFRS management inquiry report (dated November 2000) and compulsory transfers, the parties agreed that the compulsory transfers from Blue Watch at Plymstock shall be

rescinded. Management asked, in the light of the transfers being rescinded, whether the Employment Tribunal applications submitted by Firefighters at Plymstock will be withdrawn. The Union responded by clarifying the Union's position with regard to the Tribunal applications: the applications are funded by the FBU but decisions as to whether or not an application shall proceed, or be withdrawn, remains with the individual applicant and his or her legal advisors. In the circumstances Management acknowledged that the Union has no power to withdraw the applications. I recommend that:

- (i) the compulsory transfers from Blue Watch at Plymstock shall be rescinded;
- (ii) a statement shall be issued by the Brigade which makes it clear that no allegations of harassment and/or intimidatory and aggressive behaviour were made against any members of Blue Watch resulting from the investigations for the DFRS management inquiry dated November 2000;
- (iii) an independent inquiry/investigation shall be established to re-examine the personal relationships that existed in Plymstock Fire Station on or about October 2000;
- (iv) the Inquiry Panel shall be comprised of an independent chairperson, to be agreed by the parties, and two side members, one FBU representative and one representative from the DFRS.
- (v) the report of the DFRS management inquiry carried out by Divisional Officer Blake, shall be made available to the members of the Inquiry Panel, this report to remain confidential to the members of the Inquiry Panel;
- (vi) the Personnel Department and DO Blake shall compile a list of all the evidence/ information collected for the DFRS management inquiry; this list to be made available to the Panel members of the newly established inquiry. The chairperson of the Inquiry Panel will decide, after consultation with his or her side members, which documents, if any, they wish to have access to. These documents to be treated as strictly confidential.

The parties agreed to give their full co-operation to ensure that the Inquiry/Investigation is carried out expeditiously. The parties also agreed that the findings of this Inquiry shall be binding.

Industrial Relations

Para 115.

A Joint Working Party (JWP) shall be established to examine industrial relations within the Devon Fire and Rescue Service and to produce proposals to bring about an improvement in industrial relations. The National Joint secretaries agreed to assist and support the JWP where appropriate.

- (i) A person appointed by ACAS will chair the JWP.
- (ii) The JWP will be comprised of up to four representatives from the FBU and four from the DFRS.
- (iii) The JWP will have the right to be able to co-opt persons into the Working Party where appropriate.

Para 116.

The JWP will establish its own terms of reference: these terms of reference will take account of the need to examine the existing industrial relations system and to produce recommendations for action. I recommend that the JWP takes account of the following points when formulating the terms of reference.

- (i) To review the policies and procedures and the formal mechanisms of consultation and negotiation;
- (ii) to review health and safety procedures in order to ensure that the Brigade continues to operate within the health and safety regulatory framework;
- (iii) to review training provision for the respective sides;
- (iv) to review the extent of recognition of the other trade unions including the RFU and FOA, where recognition is limited to consultation;
- (v) to review the provision of facility time for trade union duties and activities.

The parties agreed that the JWP will produce a report and recommendations as soon as possible, and will make every effort to ensure that the report and recommendations will be produced no later than six months from the date of this report.

The Co-Responder Scheme

Para 117.

I recommend that the Co-responding scheme shall continue at those Retained fire stations where it is currently in operation and also at Plymstock Fire Station. Where it is necessary to transfer a Firefighter to Plymstock, I recommend that:

- (i) any transfer policy shall be operated transparently, and any proposed changes to that policy shall be agreed by the parties;
- (ii) Firefighters who wish to transfer to Plymstock will not be required, before the transfer takes place, to indicate their willingness, or otherwise, to carry out Co-responding duties;
- (iii) for the avoidance of doubt it will be for individual Firefighters to decide, after the transfer into Plymstock takes place, whether or not they wish to undertake Co-responding duties.

Insofar as initial appointments to Plymstock Fire Station are concerned the same principles contained in paragraph 117 (i) (ii) and (iii), above, shall apply.

Para 118.

I recommend that there shall be no extension of the Co-responding scheme into any further fire stations without the agreement of the Fire Brigades Union.

24 October 2001

8 Hampshire Dispute — ACAS Report

Background

A dispute was registered by Hampshire Brigade Committee concerning the proposed crewing arrangements for the Incident Command Unit. The Brigade had proposed that the Incident Command Unit should be crewed by non-uniformed staff who would be paid retainers and allowances. The teams would consist of existing Emergency Fire Control staff, existing and retired Firefighters and other staff employed by Hampshire Fire and Rescue Service.

The NJC Disputes Committee met on 28 January 2002 and decided that "there are further avenues to be explored at a local level" but that if the parties could not reach agreement then the dispute would go to ACAS for resolution.

As a "failure to agree" was reached the dispute was referred to ACAS for arbitration. Professor Roy Lewis was appointed as arbitrator and the arbitration took place on 25 July 2002.

The Considerations and Award were the following:

Considerations

The function of the MICU is communication. Due weight is given to HFRS's points that (a) under the official Fire Service Manual command support should not be involved directly in operations, and (b) under HFRS's Service Order those operating the MICU should not enter the Inner Cordon.

Without however undermining the force of those points, the evidence I heard indicated that the communication function was inextricably linked with the core activity of firefighting. This conclusion is underlined by the fact that the communication function is necessarily performed by Firefighters in incidents not involving the MICU.

If the MICU's function is integral to the core activity, it is difficult to resist the Union's contention that it is appropriately performed by Firefighters and Control Operators, that is, Firefighters and Control Operators under Grey Book terms and conditions and subject to the Discipline Regulations. The Grey Book and the Discipline Regulations have been developed to regulate the employment of those engaged in firefighting.

The fact that all other Fire Authorities with a MICU operate their vehicles through either uniformed

Firefighters or a mixture of uniformed Firefighters and Control Operators weighs for the Union's case.

As regards the letters emanating from the NJC Disputes Committee, it was clear that the Disputes Committee saw a possible solution involving the deployment of a combination of Firefighters and Control Operators. Again the Union's argument in respect of the deliberations of the NJC is the more persuasive.

If HFRS had demonstrated a convincing case in terms of cost-effectiveness, it might have trumped all the other arguments. Although assertions were made concerning the non-utilisation of fire engines and the SEU at Winchester, there was no statistical evidence. Furthermore, HFRS presented no evidence at all concerning the relative costs of the existing and the shadow system.

As regards the other submissions concerning such matters as turn-out times and training, I do not regard any of them as strongly persuasive either way.

I shall therefore decide that the MICU should not be operated by staff other than uniformed Firefighters and Control Operators. For the avoidance of any doubt, this decision will mean that it should not be operated by staff other than uniformed Firefighters and Control Operators employed under Grey Book terms.

Award

Having considered the evidence put forward by the parties, I award that the Hampshire Fire and Rescue Service Mobile Incident Command Unit should not be operated by staff other than uniformed Firefighters and Control Operators.

9 Independent Medical Referee Procedure

CIRCULAR NJC/11/02 dated 30th August 2002 announced the following:-

1. Section IV, paragraph 8 of the NJC Scheme of Conditions of Service (Grey Book) provides an individual member with reference to an independent medical appeal panel in cases where there is a divergence of opinion between the Brigade medical examiner and the member's treating medical practitioner over (i) the member's fitness for duty or, (ii) for the purpose of calculating sick pay entitlement, the question of whether an illness or injury has arisen out of

authorised duty. The panel's written opinion is binding on both parties.

2. Members have agreed, with immediate effect, changes to the administration of the scheme to provide for the National Joint Council to act as the "go-between" in the administration process. This will mirror the ODPM's role in pension appeals.
3. The agreement itself requires amendment only to the first paragraph:
 - (1) "Where there is a divergence of opinion between the Brigade medical adviser and a member's treating medical practitioner over (i) the member's fitness for duty or, (ii) for the purpose of calculating sick pay entitlement, the question of whether an illness or injury has arisen out of authorised duty, the member may appeal against the Brigade medical adviser's opinion. In that case the Fire Authority member shall refer the matter to the National Joint Council for consideration by an independent medical panel appointed by the Organisation identified by the National Joint Council for this purpose."

10 IPDS

The Union was involved in the Integrated Personnel Development System from December 2001, through its membership of IPDAB. This led to the production of role maps for the Fire Service and National Occupational standards.

IPDS formed part of Stage 2 (7%) of the June 2003 pay agreement on which members were balloted.

The negotiations over IPDS were interrupted during the period of the dispute during which the Union's involvement ended along with the other CFBAC advisory boards.

11 Leave Accrued Whilst on Suspension

The EC at the September 2001 meeting agreed to table this issue with the Employers at the NJC Standing Sub Committee.

After a number of discussions and exchanges of correspondence it was agreed to issue joint advice to Fire Authorities in line with the Employers' side letter of 8th August 2002.

This agreement has yet to be implemented due to the pay dispute and the subsequent negotiations.

12 Leave – Sick Pay

CIRCULAR NJC/12/02 dated 2nd September 2002 reported the following:-

1. In *Kigass Aero Components Ltd v Brown* an Employment Appeal Tribunal found that an employee on sick leave could take their paid holiday leave entitlement of four weeks provided by the Working Time Regulations.
2. The Court of Appeal will now hear the case and a provisional date has been set for November.
3. In the meantime authorities should apply the EAT's ruling, as shown below, and give leave to those who provide sufficient notice, unless they have a valid reason for refusing. It should be made clear that this is not a contractual right but arises due to the current interpretation of the Working Time Regulations, which may change.
4. The EAT ruled that Employers will have to pay four week's paid leave per annum as provided by the Working Time Regulations to an employee on sick leave if he/she gives the appropriate notice, which is twice as many day's notice as the holiday to be taken.
5. Employees will not have to wait until they have returned to work to take their leave. However, if an employee does not make a request they are not entitled to payment and they will lose their leave entitlement at the end of the leave year, unless the Authority has a carry over policy. Therefore, Employers will not be liable for any

untaken leave from the previous leave year (January 2001 – December 2001).

6. The Employer can tell the employee not to take the leave or take it at another time. However, the EAT said that the Employer cannot totally refuse the taking of leave either directly or by seeking to postpone it outside the relevant leave year resulting in its loss.
7. If an employee takes leave during a period of reduced sick pay, or no pay, then they will receive full pay for the leave period and then return to their previous position.
8. Any period of reduced sick pay remaining before the period of leave commenced will be unaffected. For example, where an employee has four months reduced sick pay entitlement remaining at the commencement of a one month period of leave, the reduced pay entitlement on completion of the leave will still be four months.
9. Neither can an employee say that they are entitled to have their sick pay recalculated under Section IV, paragraph 1 of the Grey Book. The sickness absence should be treated as one period of absence and therefore the original entitlement remains.

13 Leave on Termination of Employment

CIRCULAR NJC/3/02 dated 25th March 2002 was as follows:-

1. We are writing to advise Authorities that the following amendments to Section III of the Grey Book have been agreed.

Annual Leave

2. Delete Section A, paragraph (4) and replace it with the following new paragraph (4):
4. Outstanding Leave on Termination of Employment

Payments in lieu of annual leave accrued in the current leave year shall be made in cases of termination calculated by reference to paragraphs (2) and (3) of this Section. Any leave actually taken from leave accrued shall be discounted in considering the amount of pay in lieu.

Public holidays

3. Delete Section B, paragraph (2), sub-paragraph (i) of and replace it with a new sub-paragraph (i):
 - (i) In cases of termination of employment, payment shall be made for any outstanding time off in lieu for public holidays.

Long Service Leave

4. Add the following new paragraph to Section C:
7. In cases of termination of employment, payment in lieu shall be made in respect of any outstanding leave.

14 Leave on Termination of Employment – Retained/Volunteer Firefighters

CIRCULAR NJC/5/02 dated 22nd April as follows:-

1. We are writing to advise authorities that the following amendment to Section VII, paragraph 17 of the Grey Book has been agreed.
2. Insert a new sub-paragraph (9):
 - (9) Payments in lieu of annual leave accrued in the current leave year shall be made in cases of termination calculated by reference to sub-paragraph (5) above. Any leave actually taken from leave accrued shall be discounted in considering the amount of pay in lieu.

15 LGPS – Return to Work Agreement

The Return to Work Agreement reached by the NJC in July 2003 in paragraph 3 set out the following in respect of the counting of strike action as pensionable service:

In the Local Government Scheme the employee is requested to pay back both the Employer and employee contribution and, therefore, it is argued that it is not possible for Fire Authorities to meet their side of the

costs. The employee contributes 6% and the Employer contributes 10%.

The Firefighters' Pension Scheme allows for the Fire Authority to nationally make the equivalent of their contributions when the employee makes their contribution, but there is no similar provision in the Local Government Pension Scheme.

In respect, therefore, of our Control Staff members and Non-Operational Staff members an inequality exists between them and our members who are in the Firefighters' Pension Scheme.

Following the 1977/78 dispute, at which time no provision existed in the Local Government Scheme and it was at the insistence of the Fire Brigades Union that such a clause now exists, the Executive Council agreed to 'buy back' the pension rights for Local Government Scheme members.

Recommendation

The Executive Council agreed to pay out of Union funds the Employer Contribution for any member of the Local Government Pension Scheme who requests that periods of strike action should count as pensionable service.

16 NJC Constitution — Review

CIRCULAR NJC/10/03 dated 26th November 2003 reported that:-

1. Paragraph 7.1 of the Fire Service Pay and Conditions Agreement 2003 stated:

"By 30th November 2003 a working group representative of Fire Service stakeholders will propose revisions to the Constitution of the NJC. The report of this working group will be presented to the appropriate Fire Service stakeholders for ratification during December 2003."

2. The NJC subsequently appointed Rita Donaghy, Chair of ACAS, to convene and chair the working group.
3. Apart from the organisations currently represented on the NJC for Local Authorities' Fire Brigades, the parties that have been invited to participate in the discussions are the Association of Principal Fire Officers, the National Association of Fire

Officers, the Fire Officers' Association, and the Retained Firefighters' Union.

4. The first meetings were held on 11th and 12th November. The Chair met separately with each representative body and jointly with the organisations currently represented on the NJC.
5. The Chair will continue to work with the NJC Joint Secretaries to build upon progress made, and a further meeting of the working group has been arranged for 16th January 2004.
6. It has been agreed by both Sides of the NJC that the intended deadline of December 2003 set out in the Pay and Conditions Agreement be extended to 31st January 2004.

17 Public Holiday Entitlement

CIRCULAR NJC/2/02 dated 13th February 2002 announced the following:-

1. We are writing to advise Authorities that the following amendment to Section III of the Grey Book has been agreed.
2. Insert the following words prior to the "Note" in Section B, paragraph (1):

In addition to the above, all members shall also be entitled to any other additional statutory public holidays announced from time to time.

18 Return to Work Agreement

CIRCULAR NJC/03/03 dated 15th July 2003 reported the following:-

1. The NJC asks Fire Authorities, Fire Service management, Union representatives and individual employees to work together to ensure an orderly return to normal working reflecting the principles set out in paragraphs 1.2 to 1.4 of the agreement of 13th June 2003.

2. The NJC asks Fire Authorities, Fire Service management, Union representatives and individual employees to use their best endeavours to ensure that there is no victimisation or discrimination by any individuals or groups against other individuals or groups. In this context, authorities are asked to review the position in connection with any disciplinary matters directly related to the dispute.
3. The NJC asks Fire Authorities to provide employees with the opportunity to request that periods of strike action count as pensionable service, and to give favourable consideration to any requests received, subject to payment of the appropriate contribution from the employee (in line with the Firefighters' Pension Scheme in respect of Firefighters and the Local Government Pension Scheme in respect of Emergency Fire Control Staff).
3. The guidance went on to say that "while in most cases authorities will probably stick to the traditional options of full pay, half pay or no pay, the reduction can be to whatever level the authority consider appropriate except that between six month's and a year (a year and eighteen months for duty related sickness) there is still an entitlement to half pay."
4. The Employees' Side of the National Joint Council has expressed its concerns that this discretion is not being properly applied because authorities are constantly applying the minimum which did not meet with the spirit and intention of the agreement.
5. In response, the Employers' Side suggested that the current system was unhelpful and that a more efficient method would be for such decisions to be delegated to Chief Fire Officers.

19 Sick Pay Agreement — Use of Discretion

CIRCULAR NJC/10/02 dated 23rd August 2002 was as follows:-

Section IV, paragraph 1 of the NJC Scheme of Conditions of Service (Grey Book) defines entitlement to sick pay:

1. Entitlement
 - (1) A member of a Brigade on authorised sick leave shall be entitled to full pay for six months in any one year period. Thereafter the Fire Authority may reduce pay to whatever level they consider appropriate in the circumstances subject to a maximum reduction to half pay for the first six months.
 - (2) A member of a Brigade on authorised sick leave as a result of an injury arising out of authorised duty shall be entitled to full pay for one year. Thereafter the Fire Authority may reduce pay to whatever level they consider appropriate in the circumstances subject to a maximum reduction to half pay for the first six months.
2. At the time the agreement was reached in 1997 an Employers' circular (EMP/4/97) was issued to authorities providing guidance in respect of the discretionary element in reducing the level of sick pay stating that such decisions were not automatic but required a positive decision by members of the authority.
6. This change has now been agreed. No amendment is required to the wording of the actual agreement. However authorities are asked to put in place the appropriate new arrangements bearing in mind that individual employees will still require reasonable notice of any reduction in or stoppage of pay.
7. Whilst it is not intended to introduce a formal appeals procedure, authorities are reminded that an individual may, should he/she believe the decision to be inappropriate, lodge a grievance in the normal way.
8. Fire authorities are asked to keep records of the application of this discretion as the NJC has agreed to monitor the situation and will be seeking information from authorities on a periodic basis.

Section



Office of the Deputy Prime Minister

20 Introduction

Following the Bain Committee Report the Government moved quickly to introduce a White Paper on the Future of the Fire Service. This proposed that a number of non-statutory bodies within the Fire Service to be wound up including the CFBAC itself. The bodies so dissolved were the CFBAC and all of its Advisory Boards and Related Bodies.

Within the Government the responsibility for the Fire Service was transferred to the Office of the Deputy Prime Minister during 2002.

Services; has indicated that he wishes to stand down having served three years.

At the ACF meeting on the 10 March 2004 it was also proposed that the ACF itself should undergo a review and restructuring exercise. The FBU will monitor this process.

The ACF has three sub groups being the;

Legislation Sub Group, and
Research and Data Collection; and
Intervention Sub Group

The Legislation Sub Group was currently dormant, but had created a number of guides to Fire and other Local Authorities upon fly tipping, securing derelict buildings and the removal of abandoned vehicles.

The Research and Data Collection Group had produced two reports, one upon the reasons why people committed arson and the second a short report upon arson convictions. There were other reports being prepared that it is hoped can be published in summer 2004.

The Intervention Sub Group has published a best practice guide on the use of hydrocarbon sniffer dogs.

The Arson Control Forum met on the following dates.

4th Meeting	26th July 2002
5th Meeting	2nd July 2003
6th Meeting	10th March 2004

In June 2003 the ACF published its second Annual Report.

21 Arson Control Forum

**FBU representative
Substitute**

**Mike Fordham AGS
Allan Guest ONC**

The Arson Control Forum was established in April 2001 to lead the national drive against arson. Unfortunately, it has tended to operate in something of a vacuum and has not gelled readily with other national Groups such as the FSAB or the National Community Fire Safety Centre where there was considerable common ground.

The Chair of the Forum since its creation was Sir Graham Meldrum, HM Chief Inspector of Fire

Matters discussed

Legislation
 Strategy for the Future
 Best Practice guide on Establishing an Arson Task Force
 Study on Motivation of Arsonists
 Media and Publicity Strategy
 Arson Reduction Targets
 Draft Delivery Plan
 Funding Proposals 2003/4
 Research and Data Collection
 Fire Investigation and Training Protocols
 Fire White Paper
 Fire Service Bill
 School Fires
 Relaunch of ACF

ACF Legislation Sub Group

FBU Representative **Glyn Evans**

27 June 2002

24 September 2002

Matters discussed

Crime & Disorder Act 1998 + Police Reform Act 2002
 and their effect upon Fire Authorities
 Securing Derelict and Void Properties
 Powers regarding the Removal of Refuse
 Powers of Entry for Fire Investigation - RRO
 Powers to take Samples – RRO
 PACE and its effect upon non Police agencies
 DEFRA Paper Crime Prevention and Rights of Way
 Arson Terminology

22 Asbestos

In light of the amendments to the Control of Asbestos at Work Regulations the FBU submitted comments to the HSE and the TUC during the consultation exercise. We also subsequently submitted comment during the discussion and drafting stage of Fire Service guidance.

Needless to say that not all of our comments were taken on board, but many were and we are satisfied that the documents, if adhered to, will significantly improve the safety of Firefighters.

The guidance takes the form of two documents; a method statement, and a generic risk assessment as reproduced here.

Generic Risk Assessment 5.10**Incidents involving Asbestos****1. Scope**

This assessment examines the hazards, risks and controls that relate to operational incidents involving asbestos.

Activities that involve specific, significant hazards, are covered in other generic risk assessments (GRA). Reference is made throughout the document to GRA's and other technical sources.

As with all GRA's this assessment provides a starting point for brigades to conduct their own assessments within the context of local conditions and existing organisational arrangements to comply with the requirements of the Control of Asbestos at Work Regulations 1987 (CAWR) as amended.

2 Significant Hazards and Risks

The hazards associated with asbestos fibres is dependent upon their physical properties in particular their shapes which fall into two broad types;

- Amphiboles - which are needle shaped fibres which can split longitudinally and which, when inhaled, can embed in or migrate through lung tissue causing scarring (asbestosis) and other tissue damage (cancer) e.g. mesothelioma.
- Serpentine - which are curly and are currently considered less likely to produce the tissue damage associated with amphiboles.

Asbestos is classified by the UN into the three naturally occurring types:

- Blue (Crocidolite) UN 2212 FAC 2X (Amphibole)
- Brown (Amosite) UN 2212 FAC 2X (Amphibole)
- White (Chrysotile) UN 2590 FAC 2X (Serpentine)

Occupational physicians indicate that there is no known safe level of exposure. Accordingly HSE have set very tight control limits on exposure to asbestos which must not be exceeded and action levels which if exceeded trigger extra precautionary measures as set out in the Control of Asbestos at Work Regulations 1999 (CAWR). At present it is extremely difficult to measure asbestos exposure during operational incidents. Therefore it is prudent to assume that any exposure to released fibres will be above the set control limits and the appropriate precautions and control measures detailed later in this GRA are adopted.

When Brigades attend fires and other incidents it may not be known if asbestos is present in a hazardous form until the closing stages, or after the incident.

Asbestos fibre is mechanically very strong and highly resistant to heat and chemical attack and, because of its fibrous nature, can be woven into fabrics and used as reinforcement for cement and plastics. It has very fine fibres that are too small to be seen with the naked eye, which if left intact in undamaged materials containing asbestos, do not pose a threat to health. But, if the material is disturbed/broken and asbestos fibres released, they are dangerous when they are inhaled. Processes that produce very small airborne fibres are, in general, the most hazardous. There can be a lengthy delay between first exposure to asbestos fibre and the onset of disease – anything between 10 and 60 years. Asbestos, like all carcinogens, does not have a threshold of effect in producing disease, and in theory a single fibre might trigger the development of ill health.

The principle diseases known to be caused by exposure to asbestos are asbestosis, lung cancer and malignant mesothelioma.

- a) **Asbestosis** – This involves fibrous scarring of the lung in which the tissue becomes less elastic making breathing progressively more difficult. It is irreversible and may progress even after cessation of exposure to asbestos. Asbestosis is an industrial disease arising from high levels of exposure to airborne dust and there is no risk of contracting this disease from normal levels of environmental exposure to asbestos.
- b) **Lung Cancer** – An increased incidence of lung cancer has been found amongst people who have worked with asbestos. The increased risk depends on the degree of exposure and is very much greater for smokers than non-smokers.
- c) **Mesothelioma** – This is a cancer of the inner lining of the chest or of the abdominal wall. The incidence in the general population is very low: the majority of cases are attributable to occupational or, more rarely, para-occupational exposure to asbestos, i.e. those living in the same house as an asbestos worker.

2.1 Locations where asbestos may be found

The following list, though not exhaustive, gives an indication of those locations and situations where asbestos may be encountered:

- Any buildings built before 1985 for example;
 - Commercial
 - Railway
 - Industrial
 - Domestic
 - High Rise
 - Local Authority
 - Agricultural
 - Building under demolition, refurbishment or suffering structural collapse
- Railway Rolling Stock;

Blue and brown asbestos has been used in the past for thermal and acoustic insulation in the construction of passenger rolling stock and locomotives.

The use of asbestos in new rolling stock has been discontinued and is being removed from passenger stock.
- Ships;

All types of asbestos have been widely used in shipping in processed form because of the properties of heat resistance, providing insulation and strengthening other materials when used as reinforcement. Asbestos is likely to be found on board a ship in the cladding of fire-retardant bulkheads, in the glands of high temperature valves, in friction materials in machinery and most commonly in lagging on boilers and steam pipes.
- Construction materials and surfaces;
 - sprayed asbestos and asbestos loose packing – generally used as fire breaks in ceiling voids
 - moulded or performed sprayed coatings and lagging – generally used in thermal insulation of pipes, boilers
 - sprayed asbestos mixed with hydrated asbestos cement – generally used as fire protection in ducts, firebreaks, panels, partitions, soffit boards,

ceiling panels and around structural steel work

- insulating boards used for fire protection, thermal insulation, partitioning and ducts
- some ceiling tiles for example asbestolux
- millboard, paper and paper products used for insulation of electrical equipment, asbestos paper has been used as a fire proof facing on wood fibre board
- asbestos cement products, which can be compressed into flat or corrugated sheets. Corrugated sheets are largely used as roofing and wall cladding. Other asbestos cement products include gutters, rainwater pipes and water tanks.
- certain textured coatings
- as backing panels to radiators, heating units and boilers
- as thermal insulation to boilers calorifiers and associated heating systems

2.2. Asbestos at incidents

It is important to note that asbestos is not hazardous to health if it remains intact and undamaged. In cement products the asbestos fibres are firmly bound in the material, they will only be released if the product is subject to mechanical damage or as a result of weathering or exposure to the high temperatures of a fire. This contrasts with other asbestos containing materials such as sprayed coating and lagging which generally have a greater fibre content and, being loosely bound, release fibres relatively easily when damaged or disturbed.

The level of risk therefore depends on the ease by which fibres are released and the type of asbestos present. Fireground activities such as making an entry or cutting away are very likely to cause a release of fibres if asbestos is present in the materials being disturbed.

Asbestos fibres can change their mineral structure following prolonged exposure to heat. Research has shown that in fires, only the outer layers of asbestos material are altered with the interior often remaining unaffected. This means those asbestos

fibres present in debris and ash will present a risk to Firefighters turning over and damping down.

Exposure to heat of a fire can also cause the cement content of asbestos cement roofing, cladding, etc to violently rupture, discharging asbestos fibres into the atmosphere and spreading debris over a wide area. Fire can also weaken the binding material in asbestos cement, resulting in fibres being released more easily if the solid debris or ash from the fire is disturbed.

In particular the use of power tools will disturb asbestos and release fibres.

2.2.1 Once released asbestos fibres may be spread through:

- smoke/fire plume, wind
- rain, firewater, forming asbestos slurry
- clothing, trapped in fabrics, on BA sets
- on equipment

2.2.2 Persons at risk include:

- Brigade personnel
- Employees and members of the public
- Other emergency services personnel
- Contractors
- Media

2.2.3 Environment

Asbestos as a material is non-degradable, and if released into the environment can constitute a persistent and serious public health hazard. Loose fibres are easily dispersed by the wind and can spread large distances from their source. Similarly, contaminated land will remain hazardous and may be unusable whilst asbestos containing materials are present. Making contaminated land safe is generally a very expensive activity, often requiring removal of large quantities of surface material for final disposal at licensed disposal sites. All asbestos processes are subject to integrated pollution control by the Environment Agency. Particularly at fires, consideration should be given to the control of water run off.

3.0 KEY CONTROL MEASURES

3.1 Legislative control

The main regulations that apply to asbestos are:

- Control of Asbestos at Work Regulations 1987 as amended
- Health and Safety at Work Act 1974
- Environmental Protection Act 1990
- Construction (Design and Management) Regulations 1994
- Waste Management Licensing (Amendment) Regulations 1996

3.2 Pre-Planning

3.2.1 Liaison

Brigades should take a proactive approach to identify significant asbestos risks wherever possible. Occupiers, including public bodies, should be encouraged to inform Brigades of known asbestos removal activities. In addition many occupiers may already have undertaken asbestos surveys and will be able to provide information on the existence of asbestos on their premises. Forthcoming amendments to CAWR brought about by the requirements of the Chemical Agents Directive will, in future require such surveys to be undertaken and for this information to be made available to relevant third parties such as Brigades.

Information should be augmented by locally obtained knowledge through both 1(l)(d) inspections and visits to the premises by Fire Safety Officers and other Brigade personnel.

There should be a pre-written Brigade policy on handling asbestos incidents to safeguard the Firefighters, the public and the environment together with post-incident de-briefing involving the local statutory bodies including:

- Local Authority
- Environment Agency
- Railway Control Office
- Meteorological Office
- Waste Disposal Authority (asbestos materials are classed as controlled wastes and must be disposed of at licensed sites)

- Competent Laboratories (able to undertake emergency analysis on a 24 hour basis. They must conform to European Standard EN45001 by accreditation)

3.2.2 Training and information

All personnel that may attend incidents should be aware of the risks of exposure to asbestos fibres. Training should be given to personnel to enable them to identify materials likely to contain asbestos. Although positive identification of asbestos at incidents may not normally be possible, training will raise awareness and help to reduce the risk of exposure.

Training will need to cover such issues as:

- Health hazards posed by asbestos
- Asbestos procedures
- Specialist advice – HAZMATS Officers, Chemsafe Chemet schemes, etc
- Decontamination of personnel
- Recording of exposure
- Arrangements for health surveillance
- Incident Command involving asbestos

3.2.3 Specialist Equipment/Arrangements

Brigades should consider the use of:

- Decontamination Pod with showers
- Water soluble bags – any clothing removed from the fireground should be double bagged and using specialist labels, sent to a laundering facility specific for this purpose
- Chemical protection suits and BA
- H-type vacuum cleaners – as an addition or alternative to laundering and also for the local decontamination of equipment including vehicles where wet removal is not achievable

3.2.4 Planning for Post Incident

Where there has been an incident involving asbestos, consideration should be given to protecting the environment and the public. This should be included in the pre-planning process with local statutory bodies

e.g. Environment Agency, Environmental Health, Railway Control Office etc.

3.3 Incident Command and Management

3.3.1 When dealing with hazardous materials, including asbestos, there are six main concepts to consider:-

- Ensure a safe approach,
- Accurate incident assessment,
- Establishing a security perimeter,
- Establishing a hazard control zone,
- Effective control measures, and
- Establishing a support organisation.

3.3.2 ICs in the first instance should consider the necessity of committing crews at all to an asbestos incident. Having regard to the prevailing weather conditions contact with smoke and airborne debris should be avoided.

3.3.3 It is the responsibility of the IC to determine that asbestos is not present. If this determination cannot be made, the presence of asbestos should be assumed and appropriate measures adopted. Where the type of asbestos cannot be identified the assumption should be made that any asbestos is amphibole, therefore, all reasonable measures should be taken to prevent any exposure.

3.3.4 Where the presence of asbestos is known or suspected, primary control measures will include the following:

- Keep asbestos material wet wherever possible using minimum water to reduce the volume of water run off
- Chemical protection suits and breathing apparatus
- The restriction of other personnel and public from possible zones of contamination
- Decontamination facilities
- Control of water run off from the incident ground and decontamination
- The establishment of restricted areas with controlled access

- The notification of statutory bodies
- Early notification/liaison with other agencies (e.g. police, environmental health)
- Consideration of exposure of members of the public e.g. downwind evacuation and liaison with the police

3.4 Safe Systems of Work

3.4.1 The IC should carry out an assessment of the proposed work to determine:

- The type, nature and extent of the asbestos involved
- The degree of exposure
 - Numbers exposed
 - Extent of exposure
- The precautions to take for preventing exposure

3.4.2 The following general principles should be followed when planning the work:

- Only essential personnel should enter the risk area
- Personnel should wear BA and other suitable PPE as appropriate
- Where reasonably practicable, avoid any work that involves disturbing asbestos materials
- Where it is not possible to carry out the work without disturbing the asbestos, the asbestos should be wetted and the work should be kept to a minimum to keep contamination levels low
- Disturbance of ash and debris should be kept to a minimum
- Avoid breaking asbestos cement, asbestos board, asbestolux etc
- Use hand tools in preference to abrasive or power tools
- Avoid the use of cleaning methods such as sweeping which will make airborne dust
- Smoking, drinking or eating must not be allowed in the risk area

- All personnel should be made aware of any asbestos hazards

- Care should be taken to ensure that other hazards to personnel additional to those posed by asbestos materials are recognised, e.g. confined spaces

3.5 Specialist Work

3.5.1 Where the incident involves licensed asbestos working (e.g. lagging removal) the IC should whenever possible utilise the protective measures provided by the site operator e.g. physical barriers. Other measures to include:

- Dialogue with on site expertise if present
- Setting up of suitable decontamination facilities
- BA prior to entry through any air locks or other facilities
- Use of CPS (chemical PPE) should be considered to assist ease of decontamination and overall control of the incident

3.5.2 Where asbestos is discovered during the course of an incident ICs should:

- Identify personnel exposed
- Ensure the damping down of any dry areas that might release fibres
- Reassess tactical approach and working practices
- Implement relevant environmental and public protection measures (these are likely to be pre-planned)
- Estimate the likely volume/amount of material involved and what (if anything) the Fire Service needs to do with it.
- Where the fire has disturbed asbestos cement sheeting and distributed it over a wide area, individual pieces should be left intact and undisturbed for the duration of the incident. Where asbestos is in the way of operations it should be heavily wetted and removed intact to a safe location

3.5.3 At the end of any incident involving asbestos, control measures will include:

- Hand-over of the incident ground to the appropriate authority. The following should be considered:
 - Extent of public health protection requirement – Local Environmental Health Officer
 - Environmental impact and control measures – Environment Agency
 - Health and Safety considerations, especially where exposure should have been avoided – Environmental Health Officer, Health and Safety Executive
 - Decontamination of crews

NB The responsibility for the environmental impact and cleaning up rests with the owner/occupier of the premises.

3.6 Safety of personnel

- As soon as asbestos is suspected or identified at an incident all personnel at or entering (make up, additional attendance) should be informed.
- Personnel to wear BA and other appropriate PPE.
- Personnel must not eat, drink, smoke or leave the incident ground until they have decontaminated.
- It is important to maintain respiratory protection whilst crews are awaiting decontamination.
- All personnel should have a shower at the end of the incident (either on site or on return to station).
- Fire kit should always be submitted for the appropriate contract cleaning (as per the pre-planning arrangements) this is usually undertaken by specialist laundry contractors.
- The personal record file of any personnel that have been exposed or suspected of exposure to asbestos should be annotated. Any person who may have inhaled significant quantities of asbestos fibre should be referred for medical examination.

List of Considerations for Incident Commanders

On arrival

- Is asbestos likely to be present (buildings between 1900-1985)
- Approach upwind of smoke/fire plume – do not enter plume
- Ascertain the type and quantity of asbestos involved
- Brief crew members

As the Incident Develops

- Establish restricted zone to limit exposure
- Is it necessary to enter the risk area?
- Scene of operations supervised at all times and crews thoroughly briefed prior to commitment
- Number of personnel in risk area kept to a minimum
- What level of PPE is necessary to deal with the incident
- Is the Hazmats Officer or Hazmats Unit required

- Decontamination requirements
- Specialist cleaning or disposal of items
- Consider information from CHEMDATA
- Are water supplies adequate
- Reliefs and welfare arrangements
- Inform statutory bodies
- Consider evacuation of the public
- Consider the environment – ensure protection (water run-off etc)
- No smoking, drinking or eating
- Record exposure and health surveillance

Closing the incident

- Handover the site to authorised personnel
- Follow decontamination procedures
- Crew to shower after the incident

Operational Activity	GRA 5.10	Fire Service Risk Assessment Summary Sheet	Generic Hazards Asbestos	
Task	Hazard/Risk	Level of Risk	Risk Groups	Control Measures
Training at outside venues	Asbestos contamination – walkways/crawl ways and other locations	Low	All	■ Prior information on premises whenever possible
Building Works ■ Demolition ■ Refurbishment ■ Structural collapse	Asbestos contamination and airborne fibres	Med	All	■ Train Firefighters ■ Set up restricted area ■ Appoint a Safety Officer
Entry to premises	Liberation of airborne fibres by damage caused to building materials/asbestos insulating board	Med	All	■ Consider appropriate mode of entry ■ Approach upwind ■ PPE ■ Use of water for damping down ■ No eating, drinking or smoking until showered ■ Decontamination – control water run off ■ No power tools
Railways	Compartment lining for rolling stock/ballast on underground railways	High/Med	All	■ Obtain information from the Railway Control Officer ■ Avoid disturbance ■ Continue as above
Ships	Asbestos construction	High	All	Risk assess to ensure training venues are asbestos free
Fires	Asbestos dust/fibres	Low>High	All	As above
Water incidents	Possible	Med (only dangerous when dry)	All	Keep it wet and avoid walking through slurry As above
Disturbance of construction materials	Surface coatings domestic/industrial	Low	All	Avoid disturbing or breaking up surface coatings where visible on collapsed ceilings/walls. Adopt appropriate protective measures as above
Sewers and other confined spaces	Entry points may be asbestos lined or made from asbestos cement material	Low	All	Avoid damaging surfaces then as above

23 Corporate Killing

As a result of growing demands from many quarters, including the FBU, for tougher action in the case of work-related deaths, a revised protocol has been agreed by the Health & Safety Executive (HSE), the British Transport Police (BTP), the Association of Chief Police Officers (ACPO), the Local Government Association (LGA) and the Crown Prosecution Service (CPS). The new protocol requires the police to be involved in a manslaughter investigation from the time they arrive at the scene of death and only stop when 'it becomes apparent during the investigation that there is insufficient evidence' that manslaughter has been committed.

The previous version of the protocol had a two stage process. The police only had to undertake an 'initial assessment' of whether or not manslaughter has been committed, and whether or not a manslaughter investigation took place was dependent on the outcome of this assessment.

The revised Protocol also

- states that an investigation must be 'sound' and 'thorough and appropriate'.
- sets out clearly what the first police officer who attends the scene must do.
- says that a 'senior supervisory officer' should be in charge of the investigation, rather than just a 'detective of supervisory rank'. However, it is possible that it is not made explicit that the senior officer should be a detective.
- states that the investigation should 'generally be jointly investigated' with the police and the regulatory body. Although this has increasingly become the practice, the 1998 protocol does not actually state this.
- states that "throughout the period of investigation", the investigation must be kept 'under review'.
- states that key investigation decisions must be recorded.
- sets out what issues the police and the regulatory body must agree upon and states that this should include:
 - 'how, and to what extent, corporate or organisation failures should be investigated'; and

- 'a strategy for keeping the bereaved informed of developments in the investigation.'

The new protocol - if implemented - should result in more thorough investigations into work-related deaths and assist the authorities in finding evidence of manslaughter on the part of directors and other individuals where that exists.

The protocol is however not perfect, and a number of proposed changes to the draft document have not been adopted.

These include

- Whether a death is deemed work-related or not should not be dependent upon "organisational internal guidance" of the regulatory body;
- Discussion about the offence of manslaughter and the way it applies to companies should be included;
- Further clarification needed on what is the 'crime scene';
- definition of 'senior supervisory officer';
- should have set out what key information regulatory body should provide to police
- should have dealt with problem of conflicts of interests in a regulatory body where same inspectors investigating an incident may have previously been involved in inspecting the company.
- should have stated that HSE should provide written reasons why it has decided not to prosecute – unlike the CPS who do give reasons.

In addition, there is concern that police are not provided with adequate training in the investigation of work-related manslaughters, and that the Association of Chief Police Officers (ACPO) should draft a "Work-Related Death Investigation Manual" - similar to the one they published on Road Traffic Deaths.

It is undoubtedly the case that relentless pressure from the FBU alongside other unions and interested parties brought about this toughened stance which should make it easier to bring prosecution in the case of worker deaths.

24 Cost of Fire Sub Group

FBU Representative

Glyn Evans

The Cost of Fire Sub Group was created to provide an accurate economic model for working out the true cost of fire in England and Wales taking into account a number of factors.

In 2001 the Cost of Fire Sub Group produced a booklet entitled the Economic Costs of Fire. Since then it has been mainly engaged in refining the model upon which the calculations for producing the annual cost forecast are based. The Group also updates the economic forecast accordingly as information that it has estimated is confirmed.

Following the removal of the Fire Safety Advisory Board and the transfer of the Chair of the Group to other duties within the ODPM the future of the Cost of Fire Sub Group is now in doubt.

The Chair of the Fire and Rescue Statistics User Group has recently been approached by officials at the ODPM to take it over. He has agreed to do so, but on the basis that it must be properly resourced by the ODPM.

Dates of Meetings

11 July 2002
13 September 2002
1 November 2002
4 September 2003

Matters discussed

Cost of Fire Report 2000 and 2001
Environmental Costs of Fire
Cost of Fire Results
PSA Targets
Fire Protection Costs in Dwellings
Future of the Cost of Fire Sub Group

25 Equal Opportunities Task Group

The Equal Opportunities Task Group was disbanded and replaced with the Equality Cultural Change Advisory Board (ECCAB), when the CFBAC was restructured.

The ECCAB was Chaired by the FBU General Secretary, Andy Gilchrist. National Officer, Geoff Ellis represented the FBU on the Committee, which met once in 2002, before being suspended due to the Pay Campaign.

The Committee was disbanded by the ODPM following the National Pay dispute.

The ODPM held an informal workshop on equality issues to look at the way forward in the Fire Service. The workshop was attended by the National Officer with responsibility for equality, Geoff Ellis, Stewart Brown from the National Gay & Lesbian Committee and Carl St. Paul from the Black & Ethnic Minority Members Committee.

The ODPM's intention is to hold these workshops in place of a formal Committee structure, to deal with equality in the future.

26 Fire Cover Review

Introduction

The draft Report of the Task Group on the Fire Cover Review – also known as the "Pathfinder Report" – was published on the 20th December 2002.

The Task Group developed a Fire Service Emergency Cover Methodology. This was used by the Task Group to predict resource and personnel requirements, and their related cost, and involved 11 Fire Brigades which participated in the Pathfinder trials which tested the methodology against their current emergency resource deployment.

The 11 Brigades were invited to consider the lessons which they had learnt from these trials, their findings and the impact they thought implementation of this process would have within their area.

Despite a broad conclusion that the proposed new Fire Service Emergency Cover planning process did what was required of it, there were many areas in which it could be improved.

Pathfinder sought to determine the required emergency response 'controls' for a given generic risk (e.g. a house fire) by identifying the resources (Firefighters and equipment) that would be required at the specific incident (the risk) being considered.

These requirements were defined by "Worst Case Planning Scenarios (WCPS)". Despite the connotations of the term 'Worst Case Planning Scenario', the research stated clearly that a WCPS was:

"... not the worst case that can be imagined, but the worst case for which Fire Service Emergency Cover is to be planned in a particular risk area and should reflect what is reasonable provision for that area."

There was however concern over the results produced through the application of the WCPS methodology to risk areas (which in many cases would have required large resource increases for Brigades), particularly as a result of the methodology of WCPS attendance times being measured for the attendance time for the last appliance attending the incident as part of the response requirement for the incident.

Background

Early in 2000, Pathfinder Brigades were invited to identify those areas where they anticipated that implementation of the proposed system would have an impact. FRDG Report 5/2000, "Implementation of the Proposed Fire Service Emergency Cover Planning Process – Interim Report", summarises the responses.

Pathfinder Brigades were then invited to provide their feedback on the whole of the proposed new Fire Service Emergency Cover (FSEC) planning process. Their responses are summarised thus:

Guidance to Brigades on Implementation

The Implementation Team

All Brigades agreed that the absolute minimum size of an implementation team was two Wholtime Officers plus clerical support for data entry. The team leader should be DO/ADO rank, backed by the authority of Principal Officers. Both Officers should be computer literate.

Some Metropolitan Brigades, where there were many 'Other Buildings', felt that an additional team member would be required. In general, it was felt that Brigades should get hold of the biggest and fastest PCs available, one for each team member. These would need to be in the form of a network. Some Brigades felt that an additional Laptop would be useful in training.

The main system would need considerable storage capacity with backup and a colour printer. A number of Brigades felt that more work was required to make the software more user friendly.

Brigade Comments on their Results

The Location of Areas of High Risk

In general, areas of high dwellings risk occurred where they might be expected, although some areas which might have been considered medium risk did come out as high risk. The one exception was in some rural areas where areas were identified as being at high risk even though they are known to have very low levels of operational activity.

Areas of 'Other Buildings' intolerable risk generally occurred where they might be expected in Metropolitan Brigades, although the areas were generally larger than are presently covered by A and B risk. Some areas of intolerable risk occurred unexpectedly where there were high numbers of hospitals, care homes, hotels, hostels and HMOs.

Resource and Attendance Time Requirements at Incidents

Most Metropolitan Brigades felt that their vehicle dispositions were appropriate to cope with the attendance time and resource requirements for dwellings, mixed Brigades found that in urban areas some additional appliances were required and Rural Brigades found that there were whole stretches of the Brigade where many additional appliances would be required. This general trend becomes greatly exacerbated when the effect of 'Other Buildings' is included.

Metropolitan Brigades needed a 50% increase in appliances in each station to achieve the initial attendance. Mixed and Rural Brigades needed to increase numbers of appliances and convert Retained crews to Wholtime crews if they were to achieve the attendance requirements. The resource requirements depend on the Worst Case Planning Scenarios and a number of Brigades suggest that these need to be re-evaluated, to determine whether crew numbers are appropriate and whether phased arrivals are possible.

Performance in Achieving Attendance Requirements

In the case of dwellings, the majority of attendance requirements for dwellings risks could be met with some re-deployment of resources in Metropolitan and City areas, but this reduced as the areas became more rural. In areas of intolerable risk for 'Other Buildings', the attendance requirements were often impossible to achieve from current station locations. In rural areas, single vehicle Retained stations sometimes had to change to two vehicle Wholtime stations. To achieve the attendance requirements, some Brigades estimate that they would need to increase in size by a factor of 100%.

A number of Brigades felt that the use of modules (to define vehicles and to identify the vehicle requirements at incidents) was a cumbersome process and would benefit from a degree of simplification. Most

accepted the concept of mobilising resources to incidents rather than appliances, but by no means all.

The more generic approach adopted for larger incidents was generally welcomed and the 'Other Buildings' resource calculation spreadsheet was considered helpful, although some felt that this produced too large a resource requirement for property fires, as it was based on a fire size representing the 'maximum area of fire damage without Brigade intervention.

Some Brigades had a problem with the size of the initial attendance which was recommended. In areas of intolerable risk, this significantly increased the numbers of vehicles at each station. It was suggested that there would be a lot of variation in these scenarios between Brigades and that some form of central guidance was needed.

Resource Allocation

Brigades found the vehicle costings and vehicle allocation software reasonably easy to operate, although there were circumstances with which it could not cope.

Brigades found the performance assessment and cost-benefit analysis to be slow and complex processes, and felt that they had needed time to grasp the concepts. Some Brigades had concerns about accuracy. There was some concern that areas which were known to be quiet operationally were being identified as intolerable dwellings risk.

Those Brigades which had trialed the workload modelling software commented on its extremely long running times. However, some Brigades commented that this element of the process was important, particularly in Metropolitan areas.

Conclusions

In general, Pathfinder Brigades have found the proposed new Fire Service Emergency Cover Planning Process does do what is required of it, although they do suggest ways in which it could be improved.

However, they have concerns over the results which were produced, particularly as a result of the methodology of WCPS attendance times being measured as the attendance time for the last appliance attending the incident as part of the response requirement for the incident.

Brigades did not feel able to predict their future actions until such time as the actual risk levels had been specified.

27 Fire Safety – Research

The FBU is represented by either Glyn Evans or ONC members upon the Steering Groups of the following **Building Research Establishment/Fire Research Station Research Projects (BRE/FRS)** research projects;

- Smoke Production and Burning Droplets in Approved Document B.
- Means of Escape and Security.
- Effectiveness of Residential Sprinklers.
- Smoke Ventilation of Common Access Corridors.
- Stair Widths and Evacuation Requirements.

Of the five research projects listed above four are still active. The BRE/FRS research project on the Effectiveness of Residential Sprinklers has now completed its work and published its report. The Report is available on the ODPM Fire web site.

28 Fire Safety Advisory Board

FBU Representative **Mike Fordham** **AGS**
Substitute **Glyn Evans**

Introduction

The Fire Safety Advisory Board (FSAB) met on the following dates between June 2002 and April 2004.

8th Meeting	17th June 2002
9th Meeting	10th September 2002
10th Meeting	27th November 2002
11th Meeting	13th March 2003
12th Meeting	12th June 2003
13th Meeting	17th September 2003

The 13th meeting of the FSAB was also the final meeting as the Board was dissolved by the Office of the Deputy Prime Minister. On the evening prior to its 13th Meeting Board members received a letter from the Minister at the ODPM, Phil Hope MP, by email

telling them that the meeting the next day would probably be the final one.

Despite there only being one FSAB member present who was in favour of dissolving the FSAB it was in fact the last meeting.

The FSAB has now been replaced by two fora, the Practitioners Forum and the Business and Community Safety Forum which are supposed to have mutually exclusive membership.

CACFOA has taken charge of the Practitioners Forum with their current President, Alan Doig, being Chair of the Forum. Pamela Castle, former Chair of the FSAB, has become the Chair of the Business and Community Safety Forum.

Matters of Interest

Most of the work of the Fire Safety Advisory Board was carried out by its Sub Committees. Reports of the work that they had undertaken were sent to the meetings of the Board for action or noting.

Copies of all FSAB and Sub Committee Reports and the reports or papers to them are held at FBU Head Office and may be obtained upon request.

The following issues of interest were discussed at the respective Sub Committees at their meetings on the dates set out below;

Community Fire Safety Sub Group:

FBU Representative	Dave Beverley	ONC
Substitute	Graham Jones	ONC

Introduction

The Community Fire Safety Sub Group (CFSSG) was formed to provide a strategic overview and technical input on community fire safety matters throughout England and Wales. It was dissolved following the removal of the FSAB by the ODPM.

The FBU is also represented upon two other Community Fire Safety Groups being;

- the National Community Fire Safety Centre User Group, and
- the CACFOA Community Fire Safety Group.

Since the dissolution of the CFSSG, the ODPM has created a new body called the Community Fire Safety Stakeholder Network. The aims and proposed membership of the Network are set out below as they were sent to the FBU;

The Network will focus on the reduction of accidental deaths by fire in the home by developing and promoting best practice.

In particular it will:

- *provide a sounding board to assist the development of policy on community fire safety,*
- *advise on community fire safety research by ODPM and others,*
- *work with the National Community Fire Safety Centre (NCFSC) to engage local practitioners in health, housing, education, youth work and neighbourhood renewal in promoting community fire safety,*
- *advise on the content and approach of NCFSC media campaigns from the point of view of target audiences and local practitioners;*

This is a distinct role from that of the new Fora established following the winding up of the CFBAC, though both can be expected to look at community fire safety issues in due course. The Practitioners' Forum provides professional advice to Ministers and promotes Fire Service involvement in community safety, The Business and Community Safety Forum provides advice to Ministers from the perspective of business and vulnerable groups.

The ODPM envisage the Network as an informal one which will do much of its work by email discussion, with ad hoc meetings from time to time. They are inviting representatives of vulnerable groups, landlords and health promotion bodies. They also intend to involve DH, DfES and DTI in view of their policy interests (health promotion, risk education, consumer safety), and representatives of the Welsh Assembly, Government and the Scottish Executive.

The FBU has been invited to join the Network and will be represented by Dave Beverley, ONC Secretary.

The following is a list of the meetings of the CFSSG prior to its dissolution and the matters discussed, or reported upon, at those meetings. Information on any of the items or matters listed can be obtained from FBU Head Office.

Meeting Dates

7th Meeting	29th May 2002
8th Meeting	21st August 2002
9th Meeting	29th January 2003
10th Meeting -	15th May 2003
11th Meeting	9th September 2003
12th Meeting	6th November 2003

The 12th meeting was cancelled, following the dissolution of the Fire Safety Advisory Board.

NB. Between the 9th and 10th meetings the Chair of the Community Fire Safety Sub Group, Ken Knight, resigned quoting pressures of work as his reason for doing so. He was replaced by Alan Holmes, also representing CACFOA.

Matters Discussed

FBU CFS Protocol Guidance Note
Foam Filled Hospital Mattresses
Furniture Regulations Review
Carbon Monoxide Detectors
National Community Fire Safety Centre
Community Fire Safety in Scotland
Furniture Regulations Review
Accidental Injury Task Force Report
Community Fire Safety Challenge Fund
Reducing Fire Deaths Targets
Two year campaign programme by NCFSC
Residential sprinklers.
National Community Fire Safety Centre
Neighbourhood Wardens Training Programme
VAT on Safety Products
Child Resistant Lighters
National Community Fire Safety Centre Programmes
Home Fire Risk Assessments
NCFSC Toolbox
Community Fire Safety in Scotland
Community Fire Safety in Wales
Fire White Paper - Implications for Community Fire Safety
Home Safety Grants
Neighbourhood Renewal
HMFSI Thematic Review – Fire and Rescue Service Working with Young People
NFPA Report on US Fire Statistics
Review of Links between Neighbourhood Warden Schemes and the Fire Service
CFS Innovation Fund

Fire Safety Legislation Sub Group.

FBU Representative Glyn Evans FSA
Substitute Tony Carvell ONC

Introduction

The Fire Safety Legislation Sub Group was created to take a strategic overview of and provide a technical input into all fire safety and related legislation in England and Wales.

It was dissolved following the removal of the FSAB by the ODPM.

The major work of the Fire Safety Legislation Sub Group was to develop the Regulatory Reform (Fire Safety) Order to replace the Fire Precautions Act

1971 and the Fire Precautions (Workplace) Regulations 1997 (as amended). The current position with this legislation is as set out below.

Fire Safety Order

In July 2002 the ODPM entered into a major public consultation round by publishing a substantial consultation document entitled a Consultation Document on the Reform of Fire Safety Legislation. Responses to the consultation document had to be back with the ODPM by the 22 November 2002.

The FBU undertook a consultation exercise of its fire safety members with four national gatherings around England and Wales. These were organised by ONC Officials and Regional Secretaries. They were intended to gather the views of fire safety members to assist in formulating a response to the Consultation Document. The gatherings were extremely well attended and produced some interesting debates on fire safety matters.

The FBU's response, which ran to 45 pages of text, was drafted by Glyn Evans, the FBU's Fire Safety Adviser, and submitted to the Executive Council for approval. It was then forwarded to the ODPM within the deadline set by them. Copies may be obtained from FBU Head Office.

The ODPM subsequently received 276 responses to the consultation document. In December 2002 the ODPM proposed a series of four meetings in January and February 2003 to work through the responses received.

Tragically in February 2003, Tony Thorne, the senior civil servant at the ODPM who was dealing with the development and preparation of the Fire Safety Order lost his struggle against illness and died. Tony was replaced by Andy Jack who had also worked all the way through on the Fire Safety Order.

Following the meetings to discuss the responses in January and February 2003 the ODPM took the results of those deliberations away to work up the Fire Safety Order.

It is now expected to be placed into the Parliamentary process towards the end of March 2004.

Regulatory Reform Committees in both Houses will then have 60 days to consider its provisions taking oral and written evidence as necessary.

If the Committees agree that no amendment is required then the Order is formally tabled before both Houses for a further 15 days. If no objections appear in that time the Order will then go through.

If, however, the Committees recommend alterations to the Draft, the document returns to the ODPM for them to consider the changes suggested. In this case the Order is unlikely to appear before Parliament until October.

When it does return, Parliament will still only have 15 days to examine the changes applied. There is then a vote to ratify the Order.

Either way, and given that supporting regulatory guidance is still being prepared, the Order is expected to enter force in Spring 2005.

European Fire Safety Sub Group

**FBU Representative
Substitute**

**Graham Jones ONC
Paul Smyth ONC**

Introduction

The European Fire Safety Sub Group of the Fire Safety Advisory Board was created to monitor fire safety initiatives and issues in Europe. It was to advise Ministers at the ODPM of such matters, following concerns that EU fire safety initiatives were not being picked up in time by the UK Government.

As with the other Sub Committees of the Fire Safety Advisory Board (FSAB) the European Fire Safety Sub Group was wound up with the FSAB.

The following is a list of the meetings of the EFSSG and the matters discussed, or reported upon, at those meetings. Information on any of those items can be obtained from FBU Head Office.

One of the issues under discussion was the question of a Draft EC Directive on tunnel safety. As a result of this issue the EFSSG set up a task and finish Tunnels Working Group to draft a response to the proposals by the EU.

Meeting Dates

24 May 2002
16 August 2002
1 November 2002
23 January 2003
22 May 2003
28 August 2003
20 November 2003

The meeting arranged for the 20 November 2003 was cancelled, following the closure of the Fire Safety Advisory Board.

Matters Discussed

EU Harmonised Building Fire Safety Standards
EU Supplement to Approved Document B
EU Ban on Brominated Fire Retardants
WTC Structural Report
European Tunnel Safety Report
EU Tunnel Safety Directive
EU Hotel Fire Safety Guidance Proposals
EU Fire Safety Engineering Proposals
EU Forest Fires Proposals
European Fire Services Tunnel Group
European Community Action Paper
CFPA Europe
CEN Lifts for Evacuation Purposes
CEN Sprinkler Standard

Fire Safety Standards Sub Group

**FBU Representative
Substitute**

**Barry Stockford ONC
Graham Jones ONC**

The Fire Safety Standards Sub Group (FSSSG) was created by the Fire Safety Advisory Board to develop, with fire industry support, any fire safety standards and guidance that were deemed necessary.

The work of the FSSSG was deemed to be in addition to that of the British Standards Institution (BSI) not in substitution for it. The BSI was represented upon the Sub Group

Unfortunately, shortly after the creation of the FSSSG the Chair of the Group became extremely ill and the Group also lost its Secretariat. As a result a temporary Chair and Secretary provided by the Fire Industry Confederation were appointed, but there was no mid 2002 meeting.

As with the other Sub Committees of the Fire Safety Advisory Board (FSAB) the Fire Safety Standards Sub Group was wound up along with the FSAB.

Beneath the FSSSG was a number of Working Groups, these were as follows;

The Warehouse Working Group

The Warehouse Working Group (WWG) was the result of a joint FBU/CACFOA initiative to review the current fire safety arrangements in large uncompartimented single storey warehouses. The WWG produced a report on these buildings in 2003. Copies are available from FBU Head Office.

Technical Guidance Working Group

This Working Group consisted of Glyn Evans who was tasked with exploring guidance developed by fire safety equipment and systems manufacturers and their Associations to see which could be used for general distribution. The Industry Committee on Emergency

Lighting (ICEL) produced a single page guidance document on emergency lighting for use by fire safety and building control officers.

Alternative Design Working Group

The Alternative Design Working Group was set up to develop alternative design scenarios for flats and maisonettes by the use of life safety residential sprinkler systems. Their work which was well advanced was halted by the ODPM/BRE research programme on the effectiveness of Residential Sprinklers. The work developed to that time was passed to the Buildings Division of ODPM for them to take into account.

Fire Safety Engineering Working Group

No meetings of this Working Group ever took place.

Fire Research Working Group

The Fire Research Working Group was a task and finish Group created to develop a paper demonstrating the need for a cohesive and strategic approach to fire research in the UK and how that might best be achieved.

Its final Report was presented to the last meeting of the FSAB where it was endorsed. Copies of the report are held at FBU Head Office.

Meetings of the Fire Safety Standards Sub Group

The following is a list of the meetings of the FSSSG and the matters discussed, or reported upon, at those meetings. Information on any of those items can be obtained from FBU Head Office.

Meeting Dates

21 August 2002
19 November 2002
20 February 2003
29 May 2003
3 September 2003
13 November 2003

Matters Discussed

Warehouse Fire Safety Guidance Document
The Dangerous Substances and Explosive Atmosphere Regulations
Fire Research Working Group
Working Group Reports
RRO Guidance Document
Tall Buildings
Fire Safety Engineering

Fire Safety Consultations

Since Annual Conference 2002 the FBU have received the following issues from Government Departments and commented upon;

ODPM - Proposed Amendments to Approved Document C – Building Regulations

DfES - New Regulations for Independent Schools

DfES - Building Schools for the Future

DEFRA - The End-of-Life Vehicle Regulations 2003

DEFRA - The End Of Life Vehicles (Storage and Treatment)(England and Wales) Regulations 2003.

ODPM - Draft Guidance to Fire Service Methods of Forcible Entry

ODPM - Proposed Housing Bill

ODPM- Proposals for Reforming the House Buying and Selling Process - Home Information Pack.

ODPM - Fire Safety Guidance Document – Regulatory Reform Act 2002 – Fire Safety Order.

HSC - Proposals for the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations.

ODPM - Proposals for Amending Part B of the Building Regulations - Fire Safety - European Supplement

HSC - Consultation on Proposals for Amendments to the Management of Health and Safety at Work Regulations 1999 and the Fire Precautions (Workplace) Regulations 1997

ODPM - Fire Precautions Act 1971 - Draft Circular No. 29

ODPM - Consultation Package: proposals for Amending Schedule 2 - Class VII Exempt Buildings and Work, with reference to Conservatories, Porches, Covered Ways, Covered Yards and Carports

HSC – Proposals for Petrol Legislation - CD179

Phase 1 – Changes to Workplace Controls

HSC – Consultation on proposals to remove safety legislation on Celluloid and Cinematography Film

HSC – Proposals for the Dangerous Substances and Explosive Atmosphere Regulations

HSC – Proposals for Amendments to the existing two Approved Codes of Practice which support the Control of Asbestos at Work Regulations-

Scottish Executive – Consultation Paper - Improving Building Standards

HSC – Proposals for new Regulations on the Manufacture and Storage of Explosives

HSE – Guidance for External Consultation - Bulk Storage Hydrochloric Acid and Nitric Acid

HSE – Proposals for the Dangerous Substances and Explosive Atmosphere Regulations - Follow up Action

HSE – Proposals for the Dangerous Substances and Explosive Atmosphere Regulations

HSC – Proposals to Amend the Notification of Installations Handling Hazardous Substances Regulations 1982

DEFRA – Consultation Paper on Crime Prevention on Rights of Way: Designation of Areas and Other Procedural Matters

HSC – Ionising Radiation Regulations 1999 - Draft Guidance for Employers of Women Who Work With Radioactive materials

ODPM – Proposals for new safety requirements for Electrical Installation Work in Dwellings

ODPM – A Consultation Document on the Reform of Fire Safety Legislation

DOH – Code of Practice – Fire Safety in Adult Placements

DTI – Proposals to Amend the Fireworks Regulations 1997

DTI – Two Tier Licensing System for the Sale of Fireworks

ODPM – Fire Safety National Occupational Standards

ODPM – RRO Draft Guidance document

DoT – Response to EU Proposals for Draft Tunnel Safety Directive

ODPM – Access and Use of Buildings (Part M) of the Building Regulations – Access for the Disabled

Scottish Executive – Building (Scotland) Regulations 2005

Scottish Executive – Building (Scotland) Regulations 2005 - Guidance Documents

Scottish Executive – The Scottish Fire and Rescue Service – Proposals for Legislation

Scottish Executive – Fire Sprinklers in Residential Premises Bill

BSI – Response to proposals to amend BS5502 – Part 23 – Fire Precautions in Agricultural Buildings

29 FSAB and BRAC

FBU Representative Glyn Evans

It became clear to members of the FSAB that there needed to be an interface between the work of the Board and the work of the Building Regulations Advisory Committee (BRAC).

The Building Regulations Advisory Committee is a statutory committee created by the Building Act 1984 to offer independent advice to Ministers on the Building Regulations and matters appertaining to the built environment. As such, part of the work of BRAC deals with fire safety in buildings and how those considerations are reflected in the Building Regulations.

The FBU proposed that there should be a standing Sub Committee of the two bodies which would meet periodically to discuss fire safety matters of common interest.

The proposal to create a joint sub committee interface between the two bodies was agreed, so initially the FSAB/BRAC Fire Safety Forum came into being. Glyn Evans of the FBU was appointed as one of the three FSAB members chosen for membership of the Forum.

The Forum met on two occasions before it too fell victim to the dissolution of the FSAB. It has not been replaced by either the Practitioners Forum or the Business and Community Safety Forum.

Meetings of the FSAB/BRAC Fire Safety Forum

8 January 2003

7 March 2003

Matters Discussed

- Compartment sizes for storage and distribution buildings
- Compartment sizes for educational establishments
- Safety of Firefighters when firefighting
- The role of approved inspectors in the Building Regulations consultation and approval process
- Control on flaming droplets and the smoke toxicity of wall and ceiling linings
- Regulation of large insulated sandwich panels
- Role of the Construction Industry Council - Regulatory Review Panel

- Fire resistance of multi storey car parks in the light of recent Antipodean experiences
- The application of the Building Act 1984 to certain high buildings premises let as flats or tenement buildings
- The overturning moment of portal framed buildings in relation to the effects of fire and the safety of Firefighters
- The need for a new procedural guidance document and its likely content
- The Report of the ISE on the safety of tall buildings following the 11th September 2001
- Training
- Third party accreditation.

Many of the above mentioned items have been referred to the review of Approved Document B to the Building Regulations 2000 which commenced in March 2004.

FSAB/BRAC Working Party on Local Acts

The FSAB and BRAC also concluded that it was necessary for them to create a joint Working Party to review the fire safety elements of Local Acts.

The Working Party would be a task and finish body that would review those Local Acts that contained fire safety requirements with a view to repealing in part or total those that could be matched in content by national legislation both existing and proposed.

Ministers gave commitments that no Local Acts or part of any Local Act would be repealed until there was an equivalent national requirement.

Glyn Evans of the FBU was appointed to be one of the two FSAB representatives to the Working Party.

Dates of Working Party Meetings

6 March 2003
2 April 2003
10 June 2003
23 September 2003

Matters Discussed.

Fire fighting equipment (not including sprinklers)
Means of escape provisions
Flammable Liquid storage
Access for Fire Service
Party walls
Projecting shop fronts.

BRAC Part B Working Party.

Following the dissolution of the FSAB there is no formal

communication interface between the Fire Service organisations, the fire community generally and BRAC. Neither the Practitioners Forum or the Business and Community Forum have moved to fill the void.

This is a serious omission particularly as BRAC are just about to commence a root and branch review of Approved Document B – Fire Safety which offers guidance on the fire safety requirements of the Building Regulations. This omission seems to have been recognised by everyone, except the Fire Health and Safety Directorate of the ODPM.

BRAC have created a Working Party, under the Chair of David Gibson of the Association of Building Engineers (ABE) to oversee the review of Approved Document B – Fire Safety which supports the Building Regulations 2000.

Glyn Evans of the FBU has been invited to become a member of the Working Party which held its first meeting on Friday 5th March 2004. Further meetings are planned in June/July and August 2004 and throughout 2005.

Many of the issues discussed by the FSAB/BRAC Working Party on Local Acts and the FSAB/BRAC Forum will undoubtedly resurface during the work on the review of Approved Document B.

30 Fire Service College

In May 2002 Ministers set up a Task Group to look at the future of the Fire Service College. The Union's representative on the Group was the Assistant General Secretary. The Group reported to Ministers on 30th June 2003 and a copy is attached.

The key conclusions of the Task Group were:

- There is a need for a central Fire Service training facility of the kind offered by the College to serve as a centre of excellence providing intellectual leadership for the UK Fire Service and to exploit its unique and irreplaceable fireground;
- IPDS, the options opening up in civil contingency response after September 11 and the modernisation agenda opened up by Bain point the way to a clear role and objectives for the College;
- A national workforce development/training strategy should be drawn up which sets out the goals and principles behind the different types of

training and development, based on UPDS, which are needed to create the modern Fire Service; and set out how training should be delivered nationally, regionally and locally to achieve Best Value;

- Work on the strategy should be taken forward by the HQ division sponsoring the College for ODPM and by the Chief Executive of the College;
- There is a need for greater stakeholder involvement (ie by SE, LGA and CACFOA) in the College at the level of both strategy and quality assurance to ensure that it can respond more effectively to their requirements;
- Stakeholder involvement should be linked to their commitment to the College's future role, which is best defined within the context of a clear national training strategy;
- Stakeholder strategic engagement in the College should be delivered through whatever new advisory organisation is set up by Government as a result of the Bain Review. The College's arrangements for involving customers in quality assurance should be overhauled;
- A longer-term strategy for improving the infrastructure and the services of the College is required, supported by an agreed Corporate Plan showing how the strategy will be delivered. This should take into account the proposed role for the College in delivering IPDS, its developing role on civil contingency, and the Government's response to the Bain report. It should cover the five key issues set out in para 27 of this report.
- The case for the retention of trading fund status should be reviewed if necessary in the light of longer-term developments at the College in response to the Bain report.

The recommendations of the Group have been accepted by Ministers and Government has given a grant of £5m to invest in its infrastructure this financial year plus £2.5m to invest in urban search and rescue facilities.

31 Fire Service College — Health and Safety

A key development at the Fire Service College in the years under review was the formation and work of the health and safety project team.

The establishment of the project team in August 2002 followed a series of meetings between the Fire Service College and the Fire Brigades Union. The project team consisted of Peter Goulden of the FBU and Derek Masson from the FSC who both shared responsibilities for identifying key health and safety management issues and the development of a schedule of work.

During the investigation process it was identified that the College was lacking in the basic fundamental health and safety management systems. These included risk assessments in all areas of the College and all aspects of health and safety regulations. In addition, it was identified that a clear lack of understanding and competence in College staff existed within the scope of health and safety. Thus a poor organisational culture towards health and safety was evident.

The project team members decided to:

- a) develop a robust and self-sustaining management system and;
- b) develop staff health and safety competencies.

The first action to be undertaken by the group was the total review of the risk assessment policy, procedure and process. It was decided by the group to start from fresh as the current position on risk assessment was disjointed and did not comply with any health and safety regulation.

The project team also undertook a training and development plan by training staff members to IOSH standard in working and managing safely. In addition, the team trained specific staff members in the development of risk assessments enabling the FSC to demonstrate the level of competence of its staff in writing risk assessments and thus identifying control measure required at the College.

The College is at present in the process of actioning those identified control measures, this is an on-going process.

Risk assessments within the new system are now coming on line and reasonable progress is being made in some areas. The project team has now turned its

attention to the current situation regarding effective reactive monitoring systems within the College, which were identified as requiring attention by the HMFSI. Currently a new safety event reporting system has been introduced in Draft format with the view of a new policy, procedure and process being fully implemented in early Spring 2004.

Summary:

1. Design and development of a risk assessment performa.
2. The production of a risk assessment policy and procedure.
3. Training of College personnel in the concepts of risk assessment and College procedures. To date 71 College members registered as competent risk assessors.
4. The development of an Intranet risk assessment network for use and storage of all College risk assessments.
5. Development and instigation of staff breathing apparatus control procedures.
6. The development and instigation of staff breathing apparatus monitoring system.
7. The design and delivery of staff fire ground safety courses, designed for new staff members and existing staff members. Course is assessable to confirm a level of safety competence is achieved and maintained.
8. The delivery of IOSH Working and Managing Safely Courses for all College staff members. To date, 87 WS, 50 MS.
9. Designed and implemented live trials on safety event reporting system.
10. The development of NVQ level 3 and 4 candidates to enhance staff competence.

32 Fire Service Examination Board

The Board met on 7th July 2003 with EC Member Dave Green attending as a substitute representative for the Union.

A presentation was given on transitional arrangements for replacing the statutory examinations with elements of the IPDS.

Because of the dispute, work had been delayed within IPDAB, who have overseen the process, and in particular in agreeing detail for weighting to be given in these transitional arrangements.

It was agreed at the meeting to postpone the transition for one year, and there would be a need for the statutory practical examination in 2004 and the Station Officer written examination in February 2005.

33 Firefighting at Sea

As with other work being dealt with by our Health, Safety and Welfare committees, this work has continued at a relatively slow pace with the emphasis being on updating and re-drafting our existing policy. A work group of the National Health, Safety and Welfare Committee are in process of reviewing this issue, and a Draft Document should be ready for the Executive Council by early summer.

34 FSAB – Scotland

The Fire Safety Advisory Board was not replicated in Scotland where the Scottish Central Fire Brigades Advisory Council (SCFBAC) discusses and determines fire safety issues peculiar to Scotland. The FSAB therefore created a Scottish Sub Committee to provide a Scottish perspective on matters and to report upon fire safety activities and issues in Scotland.

Representatives from the Scottish Executive Justices Department, who have overall responsibility for the Fire Services in Scotland, therefore attended FSAB meetings and gave reports upon fire safety activities and issues in Scotland.

What follows is a list of the fire safety issues reported to the FSAB by the Scottish Sub Committee.

Matters Reported

Launch of Community Fire Safety Campaign
New Fire Service Legislation for Scotland
The Scottish Fire Service of the Future
Community Fire Safety Champion
Scottish Community Fire Safety Strategy Group

Fire Safety Scotland Press Supplement
Smoke Alarm Advertising Campaign
Chip Pan Fires
Improving Building Standards
BSAC Paper Issues In the Use of Residential Sprinklers

35 Health, Safety and Welfare Committee

At the outset of the pay campaign, the committee and work groups decided that most strategic and long term work underway would be scaled down for the period of the dispute and that only those matters considered to be of critical importance to the safety of our members could be progressed. As a consequence, the committees met on only a few occasions, most issues being dealt with on an informal and ad-hoc basis as and when committee members met during the course of the dispute.

Some work did of course continue, mostly our input and attendance at committees of the CFBAC as reported elsewhere in this report.

36 HSW Law – European Complaint

As a direct result of many years campaigning by the Union assisted by Thompson's solicitors, on 27th October 2003 the Management of Health & Safety at Work & Fire Precautions (Workplace Amendment) Regulations 2003 came into force. Regulation 6 of those Regulations finally removed the exclusion of civil proceedings which had applied to the Management of Health & Safety at Work Regulations 1999 (formerly 1992). This had meant that up until now employees had no rights in respect of a breach by an Employer of these Regulations.

These are the key Regulations to the whole of the UK Health & Safety Legislation. They arise out of a Framework Directive 89/391 from the European Commission. Prior to the Directive the Health & Safety Law in the UK was a patchwork of judicial decisions, and various inconsistent statutes over different industries and not others. It was also very much an "after the event" jurisprudence, that is, the law was

only changed by judicial decision and/or statute after injuries or disasters had occurred.

The fundamental principle behind the Framework Directive was to oblige all Employers to address their operations before exposing the employees to any risk. The Employers were to carry out risk assessments and then take specific measures to prevent and/or minimise the risk to employees presented by their operations.

The UK Government was obliged to implement the Framework Directive and promulgated the Management of Health & Safety at Work Regulations 1992. Somewhat surprisingly for such a key Directive the Regulations only provided for criminal sanctions in respect of breaches of these Regulations and specifically excluded civil proceedings in terms of Regulation 15 of the 1992 Regulations. This was reinforced in the subsequent restatement of the Regulations by maintaining the exclusion of civil proceedings in Regulation 22 of the Management of Health & Safety at Work Regulations 1999.

Given that criminal sanctions were the only means of enforcing these Regulations this therefore meant that the responsibility for protection of employees fell to the Health & Safety Executive and not employees or Trade Unions.

It was found however in so far as the safety of Firefighters were concerned that the Health & Safety Executive were not enforcing compliance of the Management of Health & Safety at Work Regulations 1992.

HSE Shortcomings

The shortcomings of the Health & Safety Executive became apparent following the Nicholson case. Firefighter Nicholson was asphyxiated in the course of trying to rescue two workers trapped in a silo in the Tayside Brigade. No Risk Assessment had been done by the Fire Brigade for such a situation. This is despite the fact that a Fire Brigade had encountered a Firefighter being injured in a very similar incident involving a silo prior to the Nicholson case. Indeed, no Risk Assessments were done for the employees who themselves were trapped in a silo by their own Employers.

The Union thereafter had regard to the question of Risk Assessments throughout the various Fire Brigades. They discovered that the HM Inspector Reports had found that the failure to carry out Risk Assessments, especially in respect of dangerous premises, was endemic throughout the whole of the Fire Brigades Union in Scotland. On the instruction of the Fire Brigades Union we wrote to all the Firemasters drawing this to their attention. They admitted no Risk

Assessments had been done and could give no adequate explanation other than finance for this not being carried out.

Having regard to these breaches of the Regulations the matter was drawn to the attention of the Health & Safety Executive. They seemed to fail to appreciate the actual importance of the Regulations as marked by the provision for criminal sanction and the continuing risk to employees, as demonstrated in the Nicholson case, of failure to carry out Risk Assessments. They replied stating that they were aware that Risk Assessments had not been carried out but they were monitoring the situation and awaiting the deliberations of various committees which were looking into the question of Risk Assessments.

The Union therefore encountered a situation where there was a failure to carry out Risk Assessments some five years after coming into force of the Regulations. Furthermore the Framework Directive is dated 1989. The European Commission expects the State to start taking measures in preparation for the coming into force of the Regulations giving effect to the Framework Directive. It seems therefore that not only had little been done since the enactment of the Regulations in 1992 but little had been done in preparation for them since 1989. This would make the total period of failure some eight years.

With regard to the Health & Safety Executive more generally and their effectiveness or otherwise there has in fact been little or no prosecution in respect of Employers having to carry out Risk Assessments since 1992 to date. Furthermore, the vast majority of cases involving major injury are in fact not investigated by the Health & Safety Executive (and this includes some fatalities). Even with regard to those cases which are investigated enforcement notices have remained static since 1997 through to 2001/02 and the number of charges preferred and convictions are very small. There has also been no improvement in fatal injuries or major injuries in the UK over the period 1997/98 to 2001/02. This is despite the Strategy Statement of the Health & Safety Commission and DETR "Revitalising Health & Safety" June 2000. It is also interesting to note that no where in the Strategy Statement is there any provision for the mention of employees having their own rights to enforce health and safety. In so far as the Union were concerned therefore the Health & Safety Executive were in fact part of the problem and more generally there are serious questions over the effectiveness of the Health & Safety Executive in ensuring compliance with the Health and Safety Legislation including the Management of Health & Safety at Work Regulations 1992 and later 1999.

We were now faced with an Employer failing to comply with a statutory duty and the enforcing authority, namely the Health & Safety Executive, doing little to

ensure compliance and even accepting or condoning continued non compliance. At the same time our members were being put at risk.

We researched the matter further for the Union and came to the view that the UK Authority's implementation of the Management of Health & Safety at Work Regulation 1992 was in fact in breach of Community Law because the Framework Directive had not been properly implemented by excluding civil proceedings.

Community Law

There are two fundamental principles of Community Law in respect of Directives. The first of these is the principle of equivalence. The State is obliged to give the equivalent remedies in legislation purporting to implement the Directive which it gives in its own domestic legislation. The second principle is that of effectiveness, that is the Regulations must be effective and must have adequate remedies to assist the enforcement. It was pivotal to any legislation that not only was a criminal sanction available but the citizens of the State, whom it was envisaged were to be protected, should also have civil remedies.

On behalf of the Union Thompsons submitted a written complaint to the European Commission and thereafter appeared with the Union before them. The European Commission accepted the Union's complaint and raised it with the UK. The UK resisted the complaint and we made further written submissions and appearance before the European Commission. The European Commission rejected the UK Authority's position.

The matter was subsequently considered by the UK Health & Safety Commission who eventually recommended the exclusion should be removed. The UK Authority notified the European Commission that it was going to remove the exclusion. It however failed to do so despite an opportunity in subsequent legislation.

We thereafter complained to the European Commission that the UK Authority had not complied with its undertaking. The European Commission itself had issued a Reasoned Opinion of the Advocate General which was the next step in proceedings against the UK Authority for failure to comply with Community Law. The UK Authority had two months from the issuing of that opinion and failure thereafter would entail the European Commission taking the matter before the European Court of Justice. The UK Authority finally conceded and promulgated the Regulations removing the exclusion.

The removal of this exclusion as we have indicated now gives civil rights to employees *vis a vis* their Employers in respect of non compliance with the Management of Health & Safety at Work Regulations 1999.

There is now a civil right for an employee who has been injured to claim against an Employer for negligence and breach of statutory duty.

The employee until now could not found on the failure to carry out a Risk Assessment in a claim for damages for injury where the Risk Assessment had contributed or caused the accident giving rise to injury. They can now do so. They can also in addition use the civil procedures available in pursuit of such an action such as obtaining an order for discovery of documents relevant to the question of Risk Assessments.

Civil proceedings as it will be appreciated, do not only encompass a right to damages but also include other remedies. In Scotland, for instance, there is provision in Section 45(b) of the Court of Session Act 1998 for an application to be made to the Court to order specific performance of a statutory duty. Section 45(b) provides:-

“Order the specific performance of any statutory duty, under such conditions and penalties (including fine and imprisonment, where consistent with the enactment concerned) in the event of the order not being implemented as to the Court seem proper.”

The statutory duties in question are the Management of Health & Safety at Work Regulations 1999 and the order sought is for example compliance with Regulation 3 where the Employer shall make a suitable and sufficient assessment of the risk to the health and safety of his employees to which they are exposed whilst they are at work. Specific performance could also be sought in respect of other obligations within the Regulations such as Regulation 7 Health & Safety Assistance, Regulation 8 Procedures for Serious and Imminent Danger for Danger Areas, Regulation 10 Information for Employees, Regulation 13 Capabilities and Training.

As 45(b) also provides, the Court can attach such conditions and penalties to the making of the order including fine and imprisonment in the event of it not being implemented, and similar provisions are available in England by virtue of the procedures of mandamus and declaratory relief (old RSC 0.15 R.16 as incorporated into the CPR).

There is also civil remedy of interdict (injunction in England) where the concern would be the continued conduct by way of the acts or omissions of the Employer giving rise to the danger to an employee and which would have been addressed by a Risk Assessment or other measures in terms of the Management of Health & Safety at Work Regulations 1999. With the removal of exclusion of civil proceedings it would now be open to any employee to seek an

interdict from the Court against an Employer in respect of discontinuance of the offending conduct which was likely to lead to injury pending the risk assessment. The Court as with all interdicts and injunctions would in addition consider the balance of convenience that is weighing up the risk to the employee or employees and the impact on the Employer and the public. For example the Employers specific duties in terms of the Management of Health & Safety at Work Regulations 1999 has procedures for serious imminent dangers and for danger areas. If any Employer had failed to carry out a Risk Assessment and implement the procedures in terms of Regulations then one can see that could weigh heavily with the Court in considering the balance of convenience.

The Court also has considerable sanctions where interdict or injunctions are not complied with such as fine or imprisonment. There would also be no obstacle in all of these remedies being combined for example where an employee has been injured because a Risk Assessment had not been done and there was a clear risk of injury to other employees by the continued failure to carry out the Risk Assessment, an order could be sought to order the Employer to comply with the statutory duty, and then interdict meanwhile pending the compliance with the said duty.

Notwithstanding the removal of exclusion of civil proceedings the Employer may still seek to defend non compliance.

In relation to interdict/injunction while they may concede that they have failed to carry out a Risk Assessment they may argue that the balance of convenience lies in not granting an interdict/injunction. This will depend on the circumstances (see example above). Any application for interdict/injunction would in any event invariably be combined with an order for specific performance of their duty. Even if the Court were not to grant an interdict/injunction it may grant an order for performance of the statutory duty within a certain period failing which the employee could return to the Court.

Another potential defence is the Employer may refer to Section 47(2) of the Health & Safety at Work Act 1974 which states:-

“(2) Breach of duty imposed by the Health & Safety Regulations shall, insofar as it causes damages, be actionable except insofar as the Regulations provide otherwise”

No damage occurred

An Employer may fasten on to the qualification “in so far as it causes damage”. In other words they may contend that they may very well be in breach of the Management of Health & Safety at Work Regulations 1999 in failing to carry out a Risk Assessment and

continuing to be so, but an employee cannot make an application to force a Risk Assessment to be done because no damage has occurred. If this was correct then the Employer would be in the position of contending that the damage would have to have occurred to an employee before any employee could come to the Court to force compliance of a duty which would have prevented the accident in the first place. There would also be the argument that such a restriction would also be contrary to the Framework Directive in that it is essential for a civil remedy to have a preventative measure available. As Redgraves Health & Safety John Hendy QC & Ford 3rd Edition page 104, paragraph 3.101 states:-

“The use of the present tense “in so far as it causes damage” would not it is submitted preclude a launch of civil proceedings for an injunction to restrain an existing breach which though it is not at that moment causing damage is likely to cause damage in the future. It is submitted that it would be logically irrelevant (except as a matter of evidence) whether the breach had caused damage already or not. Furthermore, in relation to Regulations intended to implement European Directives, it is submitted that the requirement to provide an effective remedy would necessarily mean that the remedy of injunction should not be excluded; it is significant that the use of injunctions has been rare in the field of health and safety at work even in negligence where there can be no question but that the remedy is available.”

We also understand that the Health & Safety Commission is of the view, having taken legal advice, that such an injunction/interdict defence may not be tenable.

While the civil remedies may be the ultimate recourse for an employee there would be dynamic effect in the industrial context of the fact of these remedies being potentially available. The Employer would be met with the choice of complying with the Management of Health & Safety at Work Regulations 1999 or going before the Court to somehow defend non compliance in the face of a clear statutory obligation to do so with the prospect of an order against them to comply and/or interdict/injunction and the attendant sanctions and the expense. The Employer may therefore choose to comply with the legislation rather than contest the situation.

The Fire Service is also under change. Consultation papers in England and Wales and Scotland respectively are under consideration with a view to legislation making sweeping changes to the Service through Westminster and the Scottish Parliament. The changes will affect operations within the Fire Service in terms of responsibility, prioritisation, allocation or resources, etc. Notwithstanding any such legislation the duties of an Employer *vis a vis* its employees under the

Management of Health & Safety at Work Regulations 1999 remain (as implementing the Framework Directive 89/391). We will of course scrutinise any Draft Legislation and how it may impact on the duties of an Employer in terms of their Health & Safety obligations and also consider the subsequent impact on Health & Safety of the measures to be implemented by such legislation once enacted.

Reasonably Practicable

In our discussions and representations to the European Commission they informed us that they were looking into the qualification of “reasonably practicable” in the UK Health & Safety Legislation. There are the Daughter Directives to the Framework Directive 89/391. The Daughter Directives gave rise to the Personal Protective Equipment Regulations, Provision of Use & Work Equipment Regulations, Workplace (Health, Safety & Welfare) Regulations and the Manual Handling Operation Regulations. Many of the provisions in these Regulations are qualified by the term “reasonably practicable”.

The Framework Directive or the Daughter Directives dealing with specific Regulations do not contain any qualification of “reasonably practicable”. It is not a term recognised by the European Commission. It is instead a term which has been used in the context of UK Health & Safety Law in Statutes prior to the Framework Directive and has also been the subject of judicial definition as far back as 1949. It essentially provides for an economic test in relation to the risk of injury to any employee. The classic definition is given in the case of *Edwards -v- the National Coal Board* 1949 1KB704 Askwith L.J. who stated at page 712:-

“Reasonably Practicable” is a narrower term than “physically possible” and seems to me to imply that a computation must be made by the owner in which the *quantum* of risk is placed on one scale and the sacrifice involved in the measures necessary for averting the risk (whether in money, time or trouble) is placed in the other, and that, if it be shown that there is a gross disproportion between them - the risk being insignificant in relation to the sacrifice - the defenders discharge the onus on them. Moreover, this computation falls to be made by the owner at a point of time anterior to the accident.”

The European Commission requested comment on this related question and we duly submitted Written Comment and representations.

The European Commission subsequently, in addition to challenging the UK Authority as being in breach of Community Law for exclusion of civil proceedings, included in their Reasoned Opinion the position that the UK Authority are in breach of Community Law by

importing the term “reasonably practicable” into its legislation contrary to the Directive. The Directive does not provide for an economic or cost benefit analysis to be done in relation to implementation of its Articles.

We enquired of the Commission as to the position in respect of this additional challenge to the UK Authority. They inform us that they are awaiting a reply from the UK to the Reasoned Opinion and the UK have requested an extension of the time limit within which to do so. While therefore the UK Authority are not challenging the Reasoned Opinion in respect of the exclusion of civil proceedings the position is not yet known regarding the term “reasonably practicable”. If they do not concede within the time limit then the European Commission can then proceed to convene the UK before the European Court of Justice. The European Commission have confirmed that they will keep us informed of developments.

With the removal of exclusion of civil proceedings from the Management of Health & Safety at Work Regulations 1999 and if the economic or cost benefit test contained in the term “in so far as reasonably practicable” is removed then two fundamental obstacles to compliance with health and safety legislation in the UK will have been removed, thereby increasing the prospect of improved health and safety for FBU members and other employees in the UK.

37 Mass Decontamination

The group has now been wound up and although Generic Risk Assessments (GRA's), albeit not entirely to our satisfaction, have now been promulgated, we are far from certain that they will be Universally implemented. We are also aware that training in all aspects of mass decontamination is not being given the priority or resources it deserves, and that some Brigades who have declared themselves to be ready to respond, although well equipped, are far from ready in terms of expertise and training.

38 New Dimension

New Dimension is the name given to the Fire and Rescue Services' programme developed after September 11 to prepare the UK for the aftermath of

similar attacks on mainland UK. Senior officials attend regular meetings of the New Dimension project team organised by the Office of the Deputy Prime Minister.

At those meetings and elsewhere the Union has raised concerns about the slow speed of preparation, inadequate training, lack of equipment and other issues including Employer's liability insurance.

Mass decontamination equipment forms what is now called Phase 1 of the New Dimension programme and will not be fully deployed and operational until some time in Spring 2004.

The deployment of urban search and rescue equipment is now called Phase 2 of the New Dimension programme. There is, as yet, no timetable for the deployment of this equipment.

The Union will continue to press Government and Employers on these issues and their incorporation into local IRMPs.

39 ODPM Working Group

Currently, the Fire Health and Safety Directorate of the Office of the Deputy Prime Minister have the following Working Group in place and active.

The Data Definition Working Group.

Despite its name the Data Definition Group are working on the review of the FDR 1, FDR 2, FDR 3 and Special Service Call forms to replace them with one common electronic incident report form.

The ODPM commissioned a report upon the current incident reporting system in the UK from a consultancy company called Katalysis Ltd. They recommended a radical overhaul of the system to use electronic technology to create one intelligent Fire Service incident recording system.

As a result the Data Definition Group, which is a task and finish group, has been created by the ODPM Fire Statistics and Research Division from Fire Service stakeholders. Glyn Evans represents the FBU on the Group.

Dates of Meetings

10 February 2004
24 February 2004
3 March 2004
24 March 2004

40 Point of Entry Selection Tests

The ongoing work to establish a National Point of Entry Selection Test was held up due to the pay dispute.

The ODPM suspended all meetings during 2002/03, until after the June Agreement.

The Committee was reconvened in October 2003. The FBU was represented on the Committee by the National Officer with responsibility for Equal Opportunities and representatives from the Women's National Committee, Black and Ethnic Minority Members Committee, Gay & Lesbian National Committee.

The tests will now be called 'Firefighter entry selection tests'. The target date to go live with the tests is now September 2004.

41 Radiation Hazards Working Group

This group was set up to;

- work in accordance with DCOL 2/93, to review/update and recommend current best practice for incidents involving radioactive materials
- Through risk assessment determine the limits of Fire Service operational activity and produce advice on dealing with an incident.
- Examine policies/procedures for non-nuclear emergencies at nuclear licensed sites.

The finished document will be in the format of the new Fire Service Manuals and it will cover three levels;

- Strategic;
- Operational;
- Tactical.

Work is well underway and when finished the group will produce a Fire Service Manual which will demonstrate best practice and lessons learnt so far.

A separate document will be produced for training and will be in the same format as the new Fire Service Manuals.

As part of the FBU input to the work of the group, we liaised with our National Women's Committee on assisting with guidance on how best to ensure the safety of women Firefighters given the unique risks inherent to them in attending such incidents.

42 Revitalising Health and Safety

As was reported in previous years, the Fire Service has made little or no attempt to meet the targets set out in the document.

Indeed, Employers should have reached the halfway stage in achieving the overall targets laid out in the strategy document this year.

The document, a joint DETR HSC Strategy Statement, is designed to;

- inject new impetus into the health and safety agenda;
- identify new approaches to reduce further rates of accidents and ill health caused by work;
- ensure that the approach to health and safety regulation remains relevant for the changing world of work over the next 25 years; and
- gain maximum benefit from links between occupational health and safety and other Government programmes.

The Strategy Statement set out how the Government and Health and Safety Commission will work together to revitalise health and safety. At its heart are the first ever targets for Great Britain's health and safety system which will aim to;

- raise workplace standards which will promote better public health and social progress which recognises the needs of everyone;
- reduce the £18 billion annual bill for health and safety failures which will contribute to maintaining high and stable levels of economic growth and employment;
- control harmful substances in the workplace which will help to protect our environment.

The main targets and timetable are to;

- reduce the number of working days lost per 100,000 workers from work-related injury and ill health by 30% by 2010;
- reduce the incidence rate of fatal and major injury accidents by 10% by 2010;
- reduce the incidence rate of cases of work-related ill health by 20% by 2010;
- achieve half the improvement under each target by 2004.

These targets are, to say the least, extremely modest and with the Service having killed 27 of our members in the last ten years of the last decade, then we would get a gold star if we 'only' killed 24 in the next ten years.

It's our contention that the Fire Service has wasted over four years in not addressing the document in any meaningful way. Indeed, it took a year of badgering the Health, Safety and Welfare Committee of the CFBAC to even get them to promulgate it!

A Health, Safety and Welfare practitioners' seminar at Fire Service College had Revitalising as its main theme, and Tom Mellish from the TUC Health and Safety department attended as a guest speaker. Tom spoke of the benefits of the partnership approach endorsed by the TUC and the CBI ('Partners in Prevention'), and the FBU offered full support for such an approach and indeed went a stage further and gave a commitment to a broad strategy based on a tri-partite approach which would be the Employers; senior managers, and the FBU. However, it was made absolutely clear that for this to work, it must be a partnership of equals.

Worth mentioning here, is a further strategy from the HSC; 'Securing Health Together' which again sets out targets.

- A 20% reduction in the incidence of work-related ill-health;
- A 20% reduction in ill-health to members of the public caused by work activity;
- A 30% reduction in the number of work days lost due to work-related ill-health;
- Everyone currently in employment but off work due to ill-health or disability is, where necessary and appropriate, made aware of opportunities for rehabilitation back into work as early as possible; and

- Everyone currently not in employment due to ill-health or disability is, where necessary and appropriate, made aware of and offered opportunities to prepare for and find work.

To achieve these targets, the strategy will be to take forward five key programmes of work relating to;

- Compliance;
- Continuous improvement;
- Knowledge;
- Skills; and
- Support mechanism.

It is estimated that the financial benefits alone to the Nation may be between £8.6 – 21.8 billion by 2010. This, together with the projected savings from Revitalising, could mean considerable financial savings and of course a fitter, healthier, safer workforce.

43 Section 19 Applications

ESTABLISHMENT SCHEMES

On an annual basis, information is sought from the ODPM and the Scottish Executive regarding Section 19 applications that have been approved during the year. During the year 2002, seventeen applications were approved by the DTLR/ODPM and none by the Scottish Executive. As Section 19 applications are only sought for reductions in establishments, there may, in some cases, have been consequential increases.

The applications approved in 2002 were as follows:

BRIGADE	DATE APPROVED	DETAILS
Region 3 Tyne & Wear	7 May	Reduction of 1 StnO and 2LFf's
Region 5 Lancashire	23 July	Reduction of 2 SubO's, 5Ff's (r/t) – Bacup Fire Station Reduction of 3 Ff's (r/t) – Earby Fire Station Reduction of 3 SubO's and 2 Ff's (r/t) – Fulwood Fire Station Reduction of 2 SubO's and 5 Ff's (r/t) – Ormskirk Fire Station
Region 6 Derbyshire	19 February	Reduction of 4 StnO's
Region 7 Shropshire	23 April	Removal of 4 light wheel Drive Pumps (Church Stretton, Market Drayton, Oswestry and Bridgnorth)
Region 7 Staffordshire	9 September	Reduction of 3 SDO's, 2 DOII's, 1 ADO, 2 StnO's and 7 LFf's
Region 9 Cheshire	13 March	Reduction of 2 f/d StnO's
Region 9 Merseyside	28 May	Change duty system at Heswall & West Kirby from w/t to d/c Reduction of 4 SubO's, 4 LFf's and 20 Ff's
Region 10 Suffolk	19 April	Reduction of 4 StnO's
Region 10 Norfolk	6 September	Relocation of one pumping appliance, emergency tender and associated crews from Bethel Street Fire Station to a new Fire Station at North Earlham
Region 11 London	8 May	Reduction of 16 StnO's and 1 SubO
Region 12 Kent	21 January	Remove 1 Fire Launch and 1 Foam Unit, 2 Prime Movers
Region 12 West Sussex	23 January	Reduction of 1 ACO, 5 DOIII's, 4 StnO's and 1 LFf
Region 13 Berkshire	18 January	Reduction of 3 DOI's and 2 DOIII's
Region 13 Hampshire	8 February	Transfer Incident Command Unit from Winchester to Eastleigh Fire Station, cease crewing of appliance with w/t or r/t personnel and crew with non-uniformed personnel
Region 13 Oxfordshire	17 September	Removal of 2nd r/t Pumping Appliance and 8 r/t Ff's at Henley Fire Station
Region 14 Avon	19 July	Reduction of 5 DOI's and 8 DOIII's
Region 14 Cornwall	19 July	Reduction of 1 DOIII and 1 LFf

44 Section 19 – Repeal

Section 19 of the Fire Services Act 1947 was partially repealed by the Government in early 2003. This ended national minimum standards of Fire Cover for England and Wales. It was done without consultation with the CFBAC. A similar measure in Scotland was not carried by the Scottish Parliament.

The Union sought Judicial Review in the Courts on the grounds that the Deputy Prime Minister had a legal duty to consult the CFBAC. On 12th February 2003, the Judge ruled against the Union. While accepting that the Union had legitimate concerns at not being consulted, he ruled on constitutional grounds that the Courts should not interfere with the work of the Legislature.

The Union's campaign at national level to defend Section 19 also involved lobbies of Westminster and the Scottish Parliament.

Dates of Meetings

3rd Meeting	5 June 2002
4th Meeting	5 September 2002
5th Meeting	12 November 2002
6th Meeting	28 January 2003
7th Meeting	29 April 2003
8th Meeting	31 July 2003
9th Meeting	29 October 2003
10th Meeting	3 February 2003

Matters Discussed

Fire Information Data Base
Fires of Special Interest
Historic Buildings Data Base
FDR 1 Statistics & Review
LFEPA Real Fire Library
Fire Safety Resources
Future of FSAB
Severity of Injury Scoping Study
Fire Information Collection
Future of FSUG
Preservation of Fire Information
FSUG Website
F&RSUG Terms of Reference

45 Statistics User Group

Chair Glyn Evans
FBU Representative Mike Fordham
(to March 2004)
Dick Pearson
(from March 2004)

The Fire Statistics User Group was created by ODPM following a paper submitted by the FBU. The Group is tasked with monitoring fire data sources and information, identifying any shortfall in fire data provision and recommending measures to make good any such shortfall.

It is the only Group to survive the removal of the Fire Safety Advisory Board and now reports to Ministers at ODPM via the Fire Research and Statistics Branch of the ODPM.

The Group has developed links with the Statistics Commission and the Statistics User Council giving it access to a wider statistical data base than previously. It has also been renamed the Fire and Rescue Statistics User Group.

46 Stress Survey

With the surveys concerning Firefighters, Emergency Fire Control Staff and FBU Officials completed, we are now in the process of surveying our Officer members and that report will be published when collated.

As this is an exceedingly complex subject, we have reproduced below, a Thompson's Solicitors pamphlet on the difficulties arising for pursuing a claim on behalf of members.

Understanding stress claims

Background

Four claims for work related stress were heard by the Court of Appeal. All of the claimants had been awarded compensation and the respective defendants appealed. The appeals of Hatton, Barber and Bishop were upheld while that of Jones was dismissed "*not without some hesitation*" by the Court.

Hatton and Barber were teachers in comprehensive schools, Jones was an administrative assistant at a local authority training-centre and Bishop was an operative at a factory.

None of the cases dealt with harassment and/or bullying but were instead overwork and change of job-related.

Court of Appeal's Analysis of the Law

Walker v Northumberland County Council [1995] 1 All ER 737, established the principles of Employers' liability i.e. duty of care, breach of duty, injury caused by the breach of duty and foreseeability.

The existence of a duty of care between an employee and Employer can be taken for granted (see *Wilsons & Clyde Coal Co Ltd v English* [1938] AC 57). However the Court says stress cases require particular care in deciding because they give rise to some difficult issues of foreseeability and causation as well as identifying a relevant breach of duty.

The Court of Appeal drew the distinction between psychiatric ill health and occupational stress. A claimant cannot recover compensation for stress unless it develops into psychiatric ill health. The Court refers to the HSE guide *Stress at work* (1995) (now *Tackling work-related stress* (2001)), which comments upon stress as follows:

"Stress is not therefore the same as ill-health. But in some cases, particularly where pressures are intense and continue for some time, the effect of stress can be more sustained and far more damaging, leading to longer-term psychological problems and physical ill-health."

In each case the claimant suffered from a psychiatric illness. The Court observes when considering the issues raised by the cases that it is important to bear in mind that the same issues might arise had the claimants instead suffered some stress-related physical disorder, such as ulcers, heart disease or hypertension.

The Court also comments on apportionment and quantification of compensation

Paragraph 43 of the judgement sets out 16 "*practical propositions*" which deal with the application of the principles involved. These are paraphrased below under subheadings showing to which issue they relate.

Many of these principles relate to the issue of foreseeability. The essential thrust of each appeal was that the court had set the threshold or trigger too low for when an Employer has to take action. As a consequence the respective courts had found the psychiatric injury to be foreseeable and that the Employer was in breach of duty. In the defendants' submissions it was not.

Application of the Law

1. The ordinary principles of Employer's liability apply.
2. The claimant must prove that it was **reasonably foreseeable** to their Employer that they would sustain psychiatric ill health (as distinct from

occupational stress) which is attributable to stress at work (as distinct from other factors).

3. Foreseeability depends upon what the Employer knows, or can be reasonably expected to know, about the claimant. An Employer is usually entitled to assume that an employee can withstand the normal pressures of the job unless he/she knows of some particular problem or vulnerability.
4. There are no occupations that should be regarded as intrinsically dangerous to mental health.
5. Factors likely to be relevant in considering whether the Employer would be aware that he/she needed to take action in relation to the claimant's stress:
 - a) The nature and extent of the work done by the employee. Is the workload much more than is normal for the particular job? Is the work particularly intellectually or emotionally demanding for this employee? Are demands being made of this employee unreasonable when compared with the demands made of others in the same or comparable jobs? Or are there signs that others doing this job are suffering harmful levels of stress? Is there an abnormal level of sickness or absenteeism in the same job or the same department?
 - b) Are there signs from the employee of impending harm to health? Have they a particular problem or vulnerability? Have they already suffered from illness attributable to stress at work? Have there recently been frequent or prolonged absences which are uncharacteristic of the employee? Is there reason to think that these are attributable to stress at work, for example because of complaints or warnings from the worker or others?
6. The Employer is generally entitled to take what he/she is told by his employee at face value (unless there is good reason to think otherwise). He/she does not generally have to make searching enquiries of the employee or medical advisers
7. The Employer only has to take action if there are indications of impending harm to the health of the claimant arising from stress at work and these must be plain enough for any reasonable Employer to realise that he/she should do something about it.

Breach of Duty

8. The Employer is only in breach of duty if he/she has failed to take reasonably practicable steps to prevent the harm caused by the work stress.

9. The size and scope of the Employer's operation, its resources and the demands it faces are relevant in deciding what is reasonable (this includes the effect upon other employees).
10. An Employer can only reasonably be expected to take steps that are likely to do some good: the court is likely to need expert evidence on this.
11. An Employer who offers a confidential advice service, with referral to appropriate counselling or treatment services, is unlikely to be found in breach of duty.
12. If the only reasonable and effective step would have been to dismiss or demote the claimant, the Employer will not be in breach of duty in allowing a willing employee to continue in the job.
13. In all cases it is necessary to identify the steps that the Employer both could and should have taken before finding them in breach of their duty of care.

Causation

14. The claimant must show that a **breach of duty** has caused or materially contributed to the psychiatric illness. It is not enough to show that work has caused the illness.

Apportionment and Quantification

15. Where the psychiatric illness suffered has more than one cause, the Employer should only pay for that proportion of that caused by his/her breach of duty, unless the harm is **truly indivisible**. It is for the defendant to raise the question of apportionment.
16. The assessment of damages will take account of any pre-existing disorder or vulnerability and of the chance that the claimant would have succumbed to a stress related disorder in any event.

The judgement also contains comments in relation to the assessment of damages concerning future loss/handicap on the open labour market. The Court's general position appears to be that if a claimant is successful, consideration needs to be given to whether in reality the claimant would have remained in the type of employment that was the subject of the claim. If not, then the award for this element is likely to be limited.

Comment

There are clearly policy issues behind the Court of Appeal's decision. As stated at paragraph 14 of the Judgement:

"The law of tort has an important function in setting standards for Employers as well as for drivers, manufacturers, health care professionals and many others whose carelessness may cause harm. But if the standard of care expected of Employers is set too high, or the threshold of liability too low, there may also be unforeseen and unwelcome effects upon the employment market"

Having said this, the ruling is not a seismic shift in the Court's approach to stress cases. It can be seen as putting flesh on the bones of the existing approach.

There are sweeping generalisations here and many stress cases are much more complicated and stronger than these. But the onus is clearly on employees to make their problems known to their Employers. Employees should complain and complain early and frequently and seek medical help. Despite the prevalence of stress in the workplace, health and safety guidance and risk assessments, there is no obligation on an Employer to do anything unless the problem is thrust in their face.

In summary the approach is that for a claimant to succeed he (she) must prove.

- A psychiatric illness (Injury)
- The claimant's work posed a real risk of causing psychiatric illness **and** his/her Employer knew (or ought to have known) the claimant was exposed to that risk (Foreseeability)
- Given the foreseeable risk, the Employer failed to take reasonably practicable steps or adequate steps to prevent or reduce the risk, as far as was reasonably practicable, of psychiatric harm to the claimant (Breach of Duty)
- The claimant's psychiatric harm was caused, or materially contributed to, by the work **and** the Employer's breach of duty. (Causation)

The HSE's publication *Tackling work-related stress* (2001) may be useful in further considering foreseeability and breach of duty.

The Court of Appeal raises the issue of specific regulations for stress at work but states this is the matter for the legislator (see paragraph 16). There has been talk by the HSE of an Approved Code of Practice in relation to stress, which of course would be relevant to considerations of liability.

The Cases in Brief

Hatton The claimant was a language teacher whose career came to an abrupt end. The Court found that she had a previous unrelated history of depression, that her pattern of absence was easily attributable to causes other than stress at work and that her work load was not excessive in comparison with other teachers at the school. She did not complain to her Employers and her Employers could not have reasonably foreseen the development of her condition.

Barber The claimant was an experienced secondary school teacher. He was forced to take on additional duties after his comprehensive school suffered falling pupil numbers. The claimant was found to have depression as a result of stress at work but the Court found he did not complain enough or early enough for the school to be able to take the appropriate steps.

Bishop The claimant was a factory worker whose job changed when his company was taken over. Most welcomed the change but he did not. He complained and then submitted two sick notes. The Court found that he was not being asked to do anything unreasonable in his work and that there was no reason to suppose anything should be done.

Jones The Court reluctantly agreed she should succeed. She had a unique job as an administrative assistant. She worked grossly excessive hours, which her personnel officer knew was the work of 2/3 people. She complained about the excessive work and took out a grievance against her Employer. The Employer's attitude was found to be inappropriate. She did not visit her GP before her breakdown and no obvious medical diagnosis known to her Employer. However the Court found that her Employer could have foreseen what happened and that she was badly treated.

47 Urban Search and Rescue

The terms of reference for the group were;

'To develop a system to ensure that the UK Fire Service is sufficiently prepared to be able to respond in an Urban Search and Rescue (USAR) capacity to all incidents, including those beyond the normal response of a Brigade.

To identify resources required for this purpose and to manage the conception, design and implementation of appropriate Urban Search and Rescue facilities, procedures and training.'

Having visited a training facility in Texas and agreed that their systems and approach would fit the needs of the UK Fire Service, the committee set about the task of drawing up a training regime, deciding the level and appropriateness of PPE, and a method of building a similar facility at Fire Service College.

This work was well underway when a decision was made to wind up the work of all of the groups under the guise of revamping and streamlining all New Dimensions work.

However, in spite of this, work is continuing in drafting the appropriate guidance; detailing the appropriate PPE, and providing facilities for trainers and training at Fire Service College.

48 Water Working Group

After the death of a member while carrying out a rescue, the Fire Service was forced to accept that guidance and equipment for dealing with events in, on, or near to water were woefully inadequate where they existed at all.

As reported to Conference previously, we were heavily involved in the work on this subject which went ahead with the aim of drawing up guidance and generic risk assessments covering all such incidents and related matters.

Much of the guidance is now published. We include the preface and service aims of the document here.

PREFACE

The experience of recent years suggests that the incidence of problems due to river flooding may be getting worse, both in frequency and in scale. This arises from changes in river hydrology due to human activity, changes in land management, variations in the intensity of rainfall and the increase in development in areas at risk. In addition, climate change is expected to increase the risk of both coastal and river flooding as a result of sea-level rise and more intense rainfall. On both a national and global scale, it is already the case that damage from flooding is greater than that from any other natural disaster.¹

"Approximately 10,000km² (or 8% of the total area) of land in England is at risk from river flooding, including tidal rivers and estuaries. Approximately 30% of the coastline is developed and some 2,500km² of land (1.5% of the total area) is at risk of direct flooding by

the sea. As a result, about 1.7 million homes and 130,000 commercial properties worth over £200 billion and 1.3M Ha of agricultural land worth about £7 billion are at risk from flooding. This equates to about 10% of the population and 12% of the agricultural land, including 61% of Grade 1 agricultural land".²

In view of the changing climatic conditions we now encounter, the Water Working Group was tasked to develop a manual which would assist Brigades in the development of safe systems of work when dealing with water rescue incidents. As with all guidance documents, it is **not** definitive in nature, and should **not** be viewed as a 'one stop shop' for all eventualities.

One of the most important factors in any water-based incident is pre-planning. This involves identification of water stretches which possess the potential to flood or freeze; canals where there is empirical evidence of road traffic incidents; lakes which seasonally attract large groups of people etc. All of which may require Brigade assistance in a worst case outcome.

The premise of this publication is to effectively manage the health and safety of Fire Service personnel. The Water Working Group hopes that this document will go a long way in affording information and assisting in meeting this objective.

D. J. Rama
HM Fire Service Inspectorate
Principal Health & Safety Officer

Chapter 1 Introduction and Service Aim

1.1 Introduction

1.1.1 General

Working near, on or in water is inherently hazardous, and is an area where Fire Brigade experience is currently limited to pumping operations and infrequent rescues therefore training is essential. Where Brigades wish to have a deeper involvement in water rescues they should seek appropriate specialist training in this field, prior to implementing policy and purchase of equipment.

This guidance is provided to highlight the common hazards and risks that Brigades may need to address at operational incidents involving water. It is not intended to be a replacement for specific risk assessments or operational procedures that Brigades are required to have in place in order to comply with their duties under health and safety legislation, or training documents.

It is not the purpose of this document to encompass any form of subsurface search

and rescue. This is a very specialised area, which most Brigades are not equipped or trained to undertake.

Two particular issues are worthy of further attention. These are issues surrounding national and strategic response to water safety and the use of volunteer rescuers.

1.1.2 Strategic issues

In assessing their operational procedures and level of commitment Brigades should take into account the range of services that may be available in their area, including the RNLI and other specialist teams.

The role of the Fire Service in water emergencies will probably be a developing one in the context of an overall national strategy. Fire Authorities need to be aware of this national strategy and make clear decisions regarding the level of activity they wish their Brigades to undertake in this respect. They will also need to determine the level of financial and other support they are willing to provide to enable Brigades to do this on their behalf.

Brigades should consider developing and maintaining a hazard log of known water stretches e.g. lakes, locks, weirs etc. This should also contain information such as access/egress points, steep embankments etc. Visual aids such as pictures should also be included as this will afford greater crew familiarisation, as would site visits.

The command role at water rescue incidents should be pre-planned in liaison with the police, particularly with respect to command protocols and the provision and availability of resources.

1.1.3 Volunteers

In any rescue scenario members of the public as well as "volunteers" from organisations may become involved. Brigade procedures should provide clear guidance for incident commanders on what to expect and do in such situations. Organised volunteer rescuers may not be familiar with Fire Brigade operational management procedures at incidents and may well impede rescue efforts. However, in some situations such volunteers may have skills and expertise, which will be of value to the incident commander.

¹Environment Agency 2001 Report

²DTLR Planning Policy Guidance 25: Development and Flood Risk

The pre-planning for operational incidents involving water rescues should include appropriate liaison with organised volunteer groups wherever their assistance is likely to be offered.

It is recommended that good communication links and agreed protocols are established based on this guidance and the Brigade Incident Command System.

1.2 Service Aim

1.2.1 General

The public perceive the Fire Service as the prime rescue service across a wide range of hazardous situations including water related incidents.

The Fire Service recognises this moral responsibility and endeavours to provide an appropriate level of response to all distress calls it receives.

'Water related incidents' is in itself a generic term and can encompass fast flowing water, still ponds, canals, weirs and areas of mud and slurry. Potential variables can be added to these basic water types, for example geographic factors such as remote locations, steep banking and restricted access.

Climatic extremes can add further to the complexity of these incidents and significantly change the approach required to particular problems, i.e. extreme cold resulting in water courses forming ice and presenting a new set of hazards to crews.

These physical scenarios confronting rescuers can then be exacerbated by the nature of the emergency and what is involved. Some examples might be; submerged cars, boats, aircraft; people or animals requiring rescue or recovery; or environmental protection issues, such as chemical spillages.

1.2.2 The response to water related incidents provided by Brigades could be described as having three sequential levels.

(i) Awareness

To make personnel, who may be expected to work near water as part of their service role, aware of the hazards associated with working in such vicinities.

(ii) Initial Operational Response.

First attendance crews, with knowledge,

experience, training, and safe working practices and procedures for attempting those rescues advised upon in this document.

(iii) Specialist crews.

Specially trained crews with appropriate knowledge and experience, and a range of specialist equipment to facilitate more complex rescue operations.

The provision of specialist crews and equipment will of course be dependent on a Brigade identifying a need to provide this resource.

49 White Paper – Report

The Government's "Our Fire and Rescue Service White Paper" was released on 2 July 2003.

The key proposals are summarised below

Role of the Service

Prevention rather than intervention

- The Paper proposes that the Service should move further towards 'preventing fires and other risks, rather than reacting to fire'.
- The Paper reiterates the Government's commitment to introducing IRMPs.

New challenges

- The Paper says that the Service must become better equipped to deal with new and growing threats i.e. terrorism, and environmental disasters.

Social inclusion

- The Paper states that the Service must improve at supporting the Government's agenda of social inclusion, neighbourhood renewal and crime reduction.

Modernisation of public services

- The Paper states that it 'also takes account of the Government's wider agenda on the modernisation of public services'.
 - To set national standards for the public services within a clear framework of accountability
 - Devolve and delegate to the front line, improving local accountability

- Increase flexibility so that services are more diverse and responsive to the public's needs, and
- Ensure consistently high standards – flexibility and choice, helping to deliver better value for money.

Structure of the Service and strategic decision making

National framework

- The Paper says that after consultation with stakeholders the Government will 'produce and keep up to date a National Fire and Rescue Framework'.

The Framework will set out:

- What outcomes the Government expects the Service to achieve in the light of this proposed new statutory role.
- How the Service should undertake specific functions, where this is necessary for reasons of national efficiency, i.e. procurement of communications systems.
- The financial and other support that Government will provide, such as technical advice, research co-ordination and expertise and the contribution of the Fire Service College.

- The Government will take reserve powers to ensure that an Authority acts in accordance with the National Framework. Otherwise, Fire Authorities will be subject to the Best Value Regime as are other authorities.

Regionalisation and sharing resources

- The Paper says that where there are Elected Regional Assemblies, Fire and Rescue Authorities will be Regional Bodies constituted on similar lines to LEAPA.
- In the interim period, and in those areas that do not choose to have an Elected Regional Assembly, another model will be needed to manage a range of Regional functions. Local Fire Authorities will therefore be required to establish, before 1 April 2004, Regional Management Boards with members from existing Fire Authorities.
- Regional Management Boards will be expected to provide:
 - resilience to emergencies, i.e. chemical, biological, radiological or nuclear attack

- specialist or common services, i.e. fire investigation
- establish regional control rooms
- introduce regional-based procurement to national standards
- develop and deliver regional training strategies, and
- introduce regional personnel management and HR functions.

- The Government will strengthen powers to combine Fire Authorities on a compulsory basis, 'if the voluntary Regional Management solution does not deliver'.

- Fire policy will be devolved to Wales.

Accountability

- The Paper states that accountability will be protected. 'Regional Fire Authorities will be accountable to the electorate through the Elected Regional Assembly'. 'In addition, Regional Authorities will have the power to delegate appropriate functions to the principle Local Authorities in their Regions. The Paper says that it may also be appropriate in some of the larger Regions, to introduce two or three sub-regional combinations of Authorities.

- The Paper envisages the following structure for the Service:

- Nine Regional Fire Authorities or Regional Management Boards in England
- Eight Fire Authorities in Scotland
- Three Fire Authorities in Wales
- One Fire Authority in Northern Ireland

Joint Control Rooms

- The Paper argues that it would be much more cost effective and efficient to reduce the number of Fire Service Control Rooms. It says that the Macdonald report, along with more recent work supports the case for moving towards Regional-scale Fire Control Rooms.
- The Paper says that such a move would form part of a longer-term strategy towards more joint and shared Control Rooms with other emergency services.

New institutional structures

- The Paper proposes reforming the current institutions of the Fire Service, starting with the winding up of the CFBAC.
- Ministers will be inviting a small number of 'experts', as well as outsiders with relevant expertise, to meet them occasionally to give strategic advice. The Government does not want these advisors to be involved in the day-to-day operations of the Service.
- The Paper says that the Government will quickly establish a Service Improvement Team, within the ODPM. The role and remit of the team will be kept under review. The broad aims of the Team will be:
 - To act as a catalyst for change and promote reform
 - To monitor the overall rate of change
 - To ensure the overall strategic direction of reform.

Quality assurance

- The Audit Commission will take over the role of quality assurance, and Fire and Rescue Authorities will be subject to regular inspection.
- The Audit Commission will be asked to develop a performance assessment framework, using the lessons from Local Government CPA, as the basis for assessing the performance of authorities. This framework will also form the basis for determining which Fire and Rescue Authorities will be given increased freedoms and flexibilities as a result of reaching national targets.
- The development and implementation of CPA and improvement planning will be supported by a Best Value regime as a key performance management tool.
- The Fire Service College will be reformed to provide the 'nucleus of a centre of excellence'. The College will be expected to provide new management and personnel systems.
- The work of the Fire Service Inspectorate will be refocused and redirected to support the process of quality assurance and service improvements. Its main functions will be:
 - To give professional advice to the Deputy Prime Minister
 - Support the Audit Commission

- Support the new Service Improvement Team.

- A Practitioners' Forum will be established to provide practitioner input into policy development. The new Forum will be lead by CACFOA, which will include providing the Chair and Secretariat.

Engagement of stakeholders

- The Government will establish a new stakeholder advisory group 'The Business and Community Safety Forum' which looks as though it will take over the role of the Fire Safety Advisory Board.

Management and staff

- The Paper proposes that senior manager posts 'as well as those at a more junior level' will be opened up to those with outside experience.
- The Paper says that the demands of delivering IRMPs on senior managers as well as the rest of the Service will require that there is 'the option of bringing in staff with outside experience as well as developing existing staff'.
- The Paper says that 'working up through the Service and gaining promotion via that route will, in future, be only one of a number of routes to higher levels in the Service and should depend on the acquisition of skills rather than the length of time served'.

Jobs and funding

- There are few direct references to the employment level implications of the White Paper's agenda. Para.1.8 refers to a refocusing on prevention making the job more attractive to a more diverse range of people.
- Para 3.31 says that the Government is committed to providing the Service funding so that it can take on its modern role. Para 3.22 refers to New Dimensions work and mentions an extra £56 million funding.

Industrial Relations

- The Government will take power to determine the number, composition and chairing of the negotiating bodies within the Service.
- The Paper proposes three separate negotiating bodies for:
 - Chief Fire Officers and Assistant Chief Fire Officers
 - Middle management, and
 - Firefighters and Control Room Staff.

- The new negotiating bodies should involve representatives of the RFU, the FOA and the APFO and because the Government cannot envisage these changes being made by agreement, it intends to specify who should be involved, forcing through new arrangements if necessary.
- The Government will take powers to give guidance on pay and other matters to any negotiating body which it must then take into account during its work. The Government will 'set out our requirement openly before negotiations start. It will then be for the two sides to reach agreement within those limits'.
- The Government will keep under review the need for the proposed powers of intervention [Fire Services Bill], 'depending on how far the outcome of the changes meets the need for new negotiating machinery fit for the purpose in a new service'.
- New selection tests will continue to be reviewed and developed.
- Medical standards for employment will be reviewed to ensure that they are compatible with the provisions of the DDA 1995.
- The Government will take 'action' with Employers and unions to promote a more diverse culture in the Service.
- As part of the National Framework, the Government will take steps to raise awareness about career opportunities, use more effective recruitment techniques etc.
- Adequate provision for part-time working will be made.
- Reforming the structural rigidities in pay and terms and conditions that work against diversity.
- Review of current shift patterns – 'Firefighters will be consulted before variations to local shift systems are introduced'.

The right to strike and Gold Command

- The Paper says that there must be clearly understood procedures in the event of any further strike action by Firefighters to ensure that they can and will return to work in 'Gold Command' situations.
- The Paper states that the Government 'has no plans at present to remove from employees in the Fire and Rescue Service existing freedoms under the law to take industrial action. But it will keep the position under close review'.
- The White Paper emphasises the current restrictions and remedies available to the Attorney General under Section 240 of the 1992 Trade Union and Labour Relations [Consolidation] Act. This makes it a criminal offence for a person to breach his/her contract of employment, including by going on strike, where he/she knows that the probable consequences of his/her actions will be to endanger life, cause serious injury or destroy valuable property. The Act also gives the Attorney General power in common law, to apply an injunction to prevent a breach of criminal law.
- In developing IRMPs, Authorities will put forward a range of their own ideas for working patterns which best match the peaks and troughs of demand.
- The Government will work with Employers to improve the quality of HR management in the Service, which 'requires a clear basic framework for terms and conditions of employment, considerably less detailed than the current 'Grey Book'.

Pensions

- The Government will tackle the high cost of the current scheme as well as addressing 'the high level of ill-health retirement'. The Paper proposes to:
 - Broaden the definition of the term 'Firefighter' to allow for a wider range of those employed in the Service to remain in the scheme.
 - Place an obligation on Fire and Rescue Authorities to use independent medical assessment.
 - Introduce alternative arrangements for Local Authority funding of Service Pensions.

Equality, Diversity and Working Practices

- The Paper says that it will replace 12 ranks with 7 roles 'which reflect the work that Firefighters actually do.'
- Introduce multi-level entry.
- Introduce accelerated development schemes.

Disputes machinery

- The Paper states that the dispute machinery should be reformed along the lines set out by ACAS, and should specifically include:
 - Reference to the disputes procedure only where both sides agree to do so.
 - Tighter terms of reference before invoking national procedures.
 - Greater use of independent tribunal members.
 - Maximising the ability of the tribunal to find workable solutions.

If the above reforms are not agreed voluntarily, and 'the disputes procedure continues to be used as a device for frustrating reform' the Government will use legislation to force through such changes.

Retained

- The Paper proposes considering the case for 'alternative pay arrangements, linked to Wholtime pay, for Retained Firefighters'.
- Introducing an 'appropriate' pension scheme for Retained Firefighters.
- Within IPDS, providing a harmonised training platform.
- Supporting development and promotion.
- Encouraging a variety of working patterns using a flexible roster approach, such as that used for nurses in the NHS.

50 White Paper – FBU Evidence

The FBU submitted Oral and Written Evidence to the Office of the Deputy Prime Minister - Housing, Planning, Local Government and the Regions Committee.

Written Evidence

"Our vision of a Fire and Rescue Service is to create a safer society by reducing death and injury, damage to property, and environmental damage caused by fire and other elements. It's a very simple but very important vision. It relies on a Fire and Rescue Service that works with the local community to reduce risks and acts

quickly and effectively to deal with fire and other emergencies when they occur. It is a Fire Service which has a well-trained, highly motivated workforce, which includes women and minority, black and ethnic people, operates within effective safety rules and, of course delivers value for money to the public."

The FBU broadly welcomes the aims and objectives, as set out in para 1.6 of the White Paper. The Paper raises a plethora of issues and areas for reform, which will mean the biggest and most radical shake up of the Fire Service and working practices for 50 years.

The Government wants many of these reforms to be delivered within a very short timescale. The FBU has some very serious concerns about the inter-related issues of scale and speed and the ability of the Service to deliver such widespread and radical reform within some of the timescales envisaged. Instead the Union would prefer to see a similar approach to the 2001 Draft Government White Paper, which promoted an incremental and carefully monitored approach to reform.

The other key feature is the move towards centralisation. The vision for the future appears to rest on a Service, driven by the centre, with responsibility for strategy, policy and even aspects of delivery resting in Whitehall. The question needs to be asked whether this new approach is the most democratic and effective way to deliver Fire and Rescue Services.

Summary of FBU Submission

- Reform should be evidence based, incremental and carefully monitored.
- The move towards centralisation may not be the most democratic and effective way to deliver Fire and Rescue Services.
- IRMPs are the way forward, but there are serious concerns about the ability of personnel to manage these new responsibilities within the timescale envisaged.
- The introduction of IRMPs should be piloted.
- The safety of the public and staff must be at the heart of the IRMP process.
- A comprehensive audit of community fire safety initiatives should be conducted, and further reform based on these results.
- A National Standard must be established to include a target of zero fire deaths.
- The proposals to move toward a regional service need further consideration. The Government should not rush ahead with reform before the proper structures are put in place.

- Local democracy and the right of the electorate to decide on what type of Fire Authority they want must be preserved.
- New Institutional structures must allow for full staff involvement and representation.
- Operational safeguards must be maintained to ensure that "hands on" roles are carried out by staff with relevant experience.
- The proposals on equality need to go further if the Service is to reflect the communities it serves.
- It should be for the social partners to agree on the new negotiating structures.
- The proposal to move from single to multiple table bargaining contradicts current pay bargaining practice. This is a matter which should be left for the social partners to agree upon.
- At a time when risk is rising from a wide variety of sources—from terrorist attack to increased incidents of floods—the Government and Fire Authorities should not be considering reducing establishment levels.
- The proposal for the Government to set limits within which agreement on pay must be reached goes beyond normal practice in the public sector.
- The Government's decision to press ahead with the Fire Services Bill is draconian and will not assist in improving industrial relations within the Service.
- The Government's statement that it has no plans "at present" to remove from employees in the Service rights which exist under the law to take industrial action is welcomed. Any threat to remove such a right would be in contravention of ILO Convention 87 and the Charter of Fundamental Rights of the European Union 2000.

Oral Hearing

The Oral Hearing, which took place 4 November 2003 after written evidence had been submitted was attended by Andy Gilchrist, General Secretary, Ruth Winters, President and Mike Fordham, Assistant General Secretary.

51 Working Time Regulations

A recent DCOI was promulgated to provide guidance on how the Regulations would apply to the Fire Service.

However, it is imperative that Officials at all levels ensure that no pressure is exerted on any member to agree to exclude the maximum time worked.

We reproduce key extracts from the DCOL below.

The Working Time Regulations were introduced to limit the maximum working time of a worker and confer certain other rights in respect of the length of night work and rest periods. These Regulations apply to Local Authority Fire Brigades and impose a requirement to keep adequate records of the hours worked by staff. This is to ensure that they do not exceed 48 hours unless opt-out agreements are in place. Secondary employment is also a particularly relevant consideration in respect of both Wholetime shift and Retained staff. Additionally, there is also a need to keep adequate records of both working time and health checks for night workers and to carry out risk assessments in appropriate circumstances to protect the health and well-being of staff.

These Regulations do not override the requirements of the H&SAWA 1974 or the Management of H&SAW Regulations 1999, which must continue to be met.

All Fire Authorities are subject to H&S legislation and should already have made an assessment of how the Working Time Regulations affect them. The ODPM cannot provide a comprehensive detailed document because Fire Authorities operate a mixture of different staffing arrangements and "one size will almost certainly not fit all". The Regulations are complex and open to different interpretations and therefore the following guidance for managers should not be treated as definitive. This guidance remains subject to change in the light of discussions with the staff representative bodies and through emerging case law. It should be read in conjunction with the Working Time Regulations 1998 (SI 1998 No 1833) and 1999 (SI 1999 No 3372), the Working Time (Amendment) Regulations 2001 (SI 2001 No 3256) and 2002 (SI 2002 No 3128), and the DTI document "A Guide to the Working Time Regulations".

Quick guide to the principle requirements of the Regulations

- 3.2.1 (Regulation 4)** - sets a maximum average working week of 48 hours, excluding daily rest periods. *(Meal breaks and stand-down periods for shift Firefighters count as working time).*
- 3.2.2 (Regulation 5)** - permits a worker to agree with their Employer in writing that the 48-hour per week limit should not apply to that worker. Workers with more than one employment would need to have agreements with each Employer. *(There must be no coercion on the part of the Employer).*
- 3.2.3 (Regulation 6(1))** - sets a maximum average limit of eight hours in a 24-hour period for night workers. If the night work involves special hazards or heavy physical or mental strain or if such risk is identified in a **collective or workplace agreement**; or an **Employer's risk assessment** the eight-hour limit is absolute and cannot be averaged over a period of time (Regulation 6(7) refers). *(Generally, the risk to Firefighters is mitigated or obviated by procedures and PPE and their work is not deemed to involve such hazards)*
- 3.2.4 (Regulation 7)** - requires an Employer to offer free health assessments to night workers prior to them taking up the assignment and at regular intervals thereafter. *(This may be done annually with a questionnaire and where an offer is declined the name of the individual and the date should be recorded).*
- 3.2.5 (Regulation 8)** - requires an Employer to give workers adequate rest breaks where the work is organised in such a way as to put workers at risk because the work is monotonous or the work-rate is predetermined.
- 3.2.6 (Regulation 9)** - requires an Employer to keep adequate records for two years to show whether the weekly and night work limits are being complied with and also about the health assessments provided to night workers. (See Appendix C attached for examples). It should be noted that the possibility of civil claims exists for three years and the COSHH Regulations require health records to be retained for a much longer period than this.
- 3.2.7 (Regulation 10)** - provides for a rest period of not less than 11 consecutive hours in a 24-hour period.
- 3.2.8 (Regulation 11)** - provides for an uninterrupted rest period of not less than 24 hours in a 7-day period; and
- 3.2.9 (Regulation 12)** - entitles a worker, whose normal working time exceeds 6 hours, to an uninterrupted rest break of at least 20 minutes.
- 3.2.10 (Regulations 13 – 17)** – deal with leave.
- 3.2.11 (Regulation 18)** – specifies exceptions to the 48-hour limit, length of night work, health assessments for night workers, rest breaks for monotonous work, rest periods and breaks, entitlement to annual leave and payment for leave not taken. *(These exceptions will not generally apply to the Fire Service as such conditions are already met in most cases).*
- 3.2.12 (Regulation 19)** – provides an exemption for workers in domestic service.
- 3.2.13 (Regulation 20)** – specifies exceptions to the 48-hour limit, length of night work and rest periods and breaks, for those employees able to determine their own working time.
- 3.2.14 (Regulation 21)** – subject to compensatory rest under Regulation 24, specifies exceptions to night work limits and rest periods and breaks for workers in the civil protection services where there is a need for continuity of service. *(This is unlikely to apply to most Fire Service activities other than for short periods where incidents continue past change of shift or while waiting for relief crews).*
- 3.2.15 (Regulation 22)** – Disapplies restrictions on rest periods where at the change of shift a shift worker cannot take a daily or weekly rest period as appropriate between the end of one shift and beginning of the next one or where periods of work are split up over the day.
- 3.2.16 (Regulation 23)** – deals with the modification or exclusion of restrictions on the length of night work, rest periods and breaks and length of reference period by collective and workforce agreements.
- 3.2.17 (Regulation 24)** – requires an Employer to provide compensatory rest where a worker is required to work through what would otherwise have been a rest period or rest break.
- 3.2.18 (Regulations 25 – 27)** - deal with the armed forces and young workers.

3.2.19 (Regulations 28 – 43) – deal with miscellaneous matters involving inter alia, enforcement, offences, remedies, appeals; and special classes of person such as agency workers, Crown employment, armed forces and police service.

Scope of the Regulations

3.3.1 All members of uniformed and non-uniformed Fire Service staff are subject to these Regulations, **except for any hours worked in the capacity of a self employed person.** The application of the Regulations to agency and independent contract staff is a matter for their separate Employers. The Working Time (Amendment) Regulations 2002 do not apply to workers who have reached their 18th birthday.

3.3.2 Whilst it is intended that the limits and entitlements of WTR should apply to all workers currently within the scope, it is recognised that in some circumstances certain provisions of the Regulations cannot be applied in full because of conflicting needs. In particular, Regulation 18 states that some provisions do not apply to certain specific activities in the civil protection services where these “inevitably conflict with the provisions of these Regulations.” The HSE has interpreted this to mean that in most circumstances the duration and pattern of working time for those in the Fire Service must still conform with the provisions of Part II (Rights and Obligations) of the Regulations (subject to modification by workforce or individual agreements). This exclusion has to be considered in the light of specific activities: it is not intended to mean that every aspect of Fire Service operational activity or other work “inevitably conflicts” and that the Regulations do not therefore apply. **However, where Firefighters are still actively engaged in fire-fighting activities at the point where the work time limit is exceeded, this derogation would apply.**

3.3.3 Where a Brigade believes it has identified activities that give rise to “inevitable conflict” they’re relevance should be discussed and agreed with the HSE on a case by case basis. The HSE gives examples of the types of activities that might fall outside the scope of the Regulations such as dealing with civil unrest, terrorism and natural and technological disasters such as earthquakes etc. The time spent on these and similar activities would not be counted as working time. Where the issue is purely related to staffing matters, (such as long duration incidents in remote locations), the

exclusion provided by Regulation 18 would only apply to periods of unplanned overtime unavoidably worked while relief crews are being organised and transported, which should be done without undue delay.

3.3.4 For the most part the Regulations apply in full and all reasonable steps should be taken to manage Brigade activities in a way that complies with the requirements. If the Brigade has control over the timing and duration of a specific activity, then it is unlikely that it could attract the inevitable conflict exemption. Examples would include fire safety work, training etc.

3.3.5 At a practical level it is suggested that Brigades have to:

- a) Keep an eye open for the possibility that individual employees could exceed the limits because of e.g. a series of major incidents within a particular reference period. This would give them an opportunity to manage working patterns to try and ensure that the limits are complied with; and
- b) Where it transpires that the limits have been exceeded, look back at the reasons why. If these were related to taking part in specific activities that attract exemption, then this could be claimed.

3.4.3 The following circumstances will normally count as working time:

1. Travel outside of normal rostered duty hours, to and from duty at a place other than the normal place of duty, e.g. travel to and from detachment to a fire station.
2. Travel to and from training courses other than at the normal place of duty.
3. On those occasions where a worker is at the disposal of, and are actively engaged on, the Service’s business during their meal breaks and rest breaks.
4. Where a worker is on call and is actively working at the Service’s disposal and performing their activities or duties including travelling time when called out.
5. Where a worker is travelling in the exercise of their work duties, excluding time spent travelling between home and

the normal place of work. An example would be travelling to a business meeting or such occasions as an individual may be required to work at, or report to, a location other than their normal place of work (except as in 2 above).

6. Where work is performed away from the normal place of work on a basis agreed with the individual's manager and the time is properly recorded e.g. welfare visits to workers at home, drafting a document at home.
7. Where a worker is required to attend work-related functions as part of their duties.
8. Where a worker is spending agreed time carrying out staff association, trade union or health and safety responsibilities.

Section



Trade Union and Labour Movement

52 Affiliations

The Union continued the tradition of association by affiliation with the National and International organisations whose aims are compatible with the policies and views of the Union.

During the years of 2002 and 2003 we have been affiliated to and/or supported:

- ACTSA
- Amnesty International
- Anti Nazi League
- Anti Slavery
- Arts for Labour
- Campaign for Nuclear Disarmament (CND)
- Campaign for Press & Broadcasting Freedom
- Cuba Solidarity Campaign
- Daycare Trust (The National Childcare Campaign)
- Disability Alliance
- Equality Exchange
- Fabian Society
- Institute of Employment Rights
- Irish Congress of Trade Unions
- Justice for Colombia
- Kurdish Human Rights Project (KHRP)
- Labour Against the War
- Labour Party (The)
- Labour Research Department
- League Against Cruel Sports
- Liberty
- Liberation
- Local Government Information Unit
- National Abortion Campaign
- National Assembly of Women
- National Pensioners Convention
- National Trade Union and Labour Party Liaison Committee
- One World Action
- PACTS (Parliamentary Advisory Council for Transport Safety)
- Peace in Kurdistan Campaign
- Ragged School Museum Trust
- RSI Association
- Saferworld
- Searchlight
- S.E.R.A (Socialist Environment and Resources Association)
- Stop the War Coalition
- The Africa Centre
- Trade Union Co-ordinating Committee
- Trade Union Friends of Palestine

- Trade Union Friends of Searchlight
- Trade Union Research Unit
- United Campaign to Repeal the Anti-Trade Union Laws (aka – Reclaim our Rights)
- War on Want
- Workers Education Association

Additional financial support has been given when appeals for donations have been made by various organisations.

53 Institute of Employment Rights

The Union has continued to support the work undertaken by the Institute of Employment Rights. They have gathered together a team of trade union officials, academics and lawyers to draw up a coherent set of legal options.

One important piece of work was the launch of a 10 point Charter of Workers' Rights, after consultation with academics, lawyers and unions, including the FBU. It was launched at a fringe meeting at the 2002 TUC Conference and followed the 2001 TUC Conference' call for the development of a Workers' Charter.

The Union remains affiliated to the Institute of Employment Rights and circulates its publications to Officers of the Union.

54 International

The International Committee did not meet for long periods because of the dispute but the international work of the Union went on. Several Officials attended meetings of the Iraq Liaison Committee the cross party, cross organisation group which is an integral part of the Stop the War movement.

NEC Member Brian Joyce went on a fact finding mission to Iraq and met with, among others, the Iraqi Federation of Trade Unions. Ruth Winters joined a War on Want/Justice for Columbia delegation to Colombia. Andy Gilchrist was elected to the International Committee of the TUC and attends regular meetings.

Officials also attended numerous fringe meetings and conferences on Justice for Columbia, Palestine and South Africa.

55 Labour Government

2002

During the year under review, Tony Blair continued as Prime Minister and John Prescott as Deputy Prime Minister. Fire moved from the DTLR to the ODPM, with responsibility passing to Local Government Minister Nick Raynsford.

2003

During the year under review, Tony Blair continued as Prime Minister and John Prescott as Deputy Prime Minister. Responsibility for Fire remains with Nick Raynsford.

56 Labour Party Conference 2002

The Labour Party Conference was held from 29th September to 3rd October 2002 at the Winter Gardens, Blackpool.

The New Labour leadership carried the day on Iraq and an extension of PFI, thanks to the support of constituency delegates and divided unions.

The FBU's delegation was:

Mick Harper	– President
Andy Gilchrist	– General Secretary
Dave Whatton	– EC Member Region 7
Phil Micallef	– Vice President and EC Member Region 5
Micky Nicholas	– EC member B&EMM

The Union distributed leaflets and held a fringe meeting to raise the profile of the pay campaign.

57 Labour Party Conference 2003

The Labour Party Conference was held 28th September – 2nd October 2003 at the International Centre, Bournemouth.

The trade unions brought the unity at the TUC Conference around four key issues - rights at work, foundation hospitals, the manufacturing industry and pensions - to the Labour Party Conference, defeating the New Labour leadership on foundation hospitals, employment rights and pensions, as well as admonishing it for the crisis of Britain's manufacturing industry.

Despite the best efforts of Health Secretary John Reid, delegates backed a Unison motion condemning this backdoor privatisation of the Health Service. Conference also passed an Amicus motion calling for the Government to invest in industry and prevent more jobs being lost and a TGWU motion criticising weak employment rights.

Rather than be defeated on another vote, the leadership accepted a GMB-sponsored motion demanding compulsory Employer contributions to pension schemes of 10%.

The Union's delegation was:

Andy Gilchrist	– General Secretary
Mick Shaw	– EC Member Region 11
Micky Nicholas	– EC Member B&EMM
Dave Green	– EC Member Region 6

FBU delegates, including Bro Gilchrist, and other Senior Officials of the Union attended and spoke at a number of fringe meetings.

In particular:

A wide range of trade unions, including the "big four" and the FBU, also held a packed fringe meeting under the slogan "Putting Labour back into the Party", where the arguments were made for maintaining and reinvigorating the link with the Labour Party. National Officer John McGhee spoke on behalf the FBU at this meeting as Andy Gilchrist was called to an urgent meeting.

The FBU organised a fringe meeting, "Protecting Public Services". National Officer John McGhee sat on a platform together with PCS General Secretary Mark Serwotka and Unison National Officer Malcolm Wing.

John McGhee briefed the meeting on the pay dispute and called on other Unions and Labour party activists to join the FBU in ensuring the "modernisation" agenda in the Fire and Rescue Service is to the benefit of the public and the public service workers who serve them.

58 National Trade Union and Labour Party Committee (TULO)

The National Trade Union and Labour Party Liaison Committee was established to co-ordinate co-operation between the Party and affiliate Trade Unions.

The Trade Union office is situated at Party Headquarters in Old Queen St. London.

The General Secretary, Andy Gilchrist attends quarterly meetings of Trade Union General Secretaries with the Leader and Senior Officials of the Party.

National Officer, Mike Lawson, attended regular meetings of Trade Union Political Officers with Party Officials and Front Bench spokespersons.

Mike Lawson also attended as Trade Union Representative on the 175-strong National Policy Forum.

59 Scottish Labour Party Conference 2002

The Scottish Labour Party Conference took place at the Dewars Centre in Perth on 22nd – 24th February 2002.

The FBU delegation consisted of:

Mick Harper	– President
Alistair Munro	– Regional Treasurer Region 1
Fraser Parr	– Brigade Chair Highlands & Islands
Norrie Howard	– Brigade Secretary Tayside
Trevor Shanahan	– Brigade Chair Fife

60 Scottish Trades Union Congress 2002

The Congress was held in Perth on 15th – 18th April 2002.

The Fire Brigades Union Delegation was:

Mick Harper	– President
Andy Gilchrist	– General Secretary
Alex MacLeerie	– Health & Safety Rep Region 1
Tam Tierney	– Regional Secretary Region 1
Roddy Robertson	– Regional Chair Region 1
Linda Shanahan	– Brigade Secretary Fife
John McDonald	– EC Member Region 1
Stewart Brown	– Gay and Lesbian Secretary

The Fire Brigades Union Resolutions were on Cuba, PPP/PFI in the Fire Service and Asbestos.

All were carried by conference.

Congress also gave overwhelming support to the FBU's pay claim.

61 Scottish Labour Party Conference 2003

The Scottish Labour Party Conference took place at the Caird Hall in Dundee on the 21st – 23rd March 2003.

The FBU delegation consisted of:

Alistair Munro	– Regional Treasurer Region 1
Norrie Howard	– Brigade Secretary Tayside
Stewart Kinnon	– Divisional Chair Strathclyde

62 Scottish Trades Union Congress 2003

The Congress was held in Inverness on 14th – 17th April 2003.

The Fire Brigades Union Delegation was:

Ruth Winters	– President
Andy Gilchrist	– General Secretary
John McDonald	
Jock Munro	
Roddy Robertson	
Linda Shanahan	
Tam Tierney	

The Fire Brigades Union Emergency Resolution was on the Fire Service Dispute, which was carried by conference.

63 Trades Union Congress 2002

The 134th Annual Trades Union Congress was held in Blackpool 9 – 12 September 2002.

The key debate was over the proposed war against Iraq, with a General Council motion narrowly winning against a stronger-worded anti-war motion. Congress also agreed that campaigning against the racist policies of the BNP was a priority and to support Trade Union affiliates in denying membership or expelling from membership members of the BNP or other racist/fascist organisations.

The Fire Brigades Union delegation to Congress was:

Mick Harper	– President
Andy Gilchrist	– General Secretary
Ruth Winters	– Vice President
Micky Nicholas	– EC Member B&EMM
Pete Skinley	– EC Member Region 9
Pat Carberry	– Gay & Lesbian Committee Chair
Dave Green	– EC Member Region 6
Garett Brooks	– B&EMM Rep Region 11
John McDonald	– EC Member Region 1

The Fire Brigades Union Motions to Congress were on Public Sector Pay and Colombia, with an amendment to the RMT motion to Employment Law.

Employment Law

Congress calls for the repeal of all the anti-trade union laws and in particular those introduced by the previous Tory Governments. But also repeal is required of the anti-trade union laws introduced by the present Labour Government, specifically the obligation on unions engaged in a legitimate trade dispute to assist the Employer by providing information to enable the Employer to make strike breaking plans. Amongst the anti-union laws needing to be removed is the ancient common law rule which holds that any worker taking any form of industrial action is in breach of his or her contract of employment.

These anti-union laws mean that since May 1997 (as before) the UK remains in breach of international obligations which include:

- i) International Labour Organisation. Conventions 87 and 98;
- ii) The Social Charter of the Council of Europe, Articles 5 and 6; and
- iii) The United Nations International Covenant on Economic, Social and Cultural Rights, Article 8.

Congress also criticises the changes to employment tribunal law brought about by the Employment Act 2002 which were designed specifically to deny access to the tribunals to one third of the 130,000 workers who otherwise seek to enforce their rights each year.

Congress resolves to work closely with the United Campaign to repeal the Anti-Union Laws, in particular by giving support to the demonstration and rally to be held in London on 29th March 2003.

National Union of Rail, Maritime and Transport Workers

AMENDMENT

Insert new paragraph 4:

"Congress welcomes the TUC employment rights campaign and leaflets – *Modern Rights for Modern Workplaces*. Congress anticipates that the TUC will build on that campaign and calls for a series of public meetings around the UK, organised in co-operation with other labour movement-based organisations working for improvements in employment law.

Carried as amended.

FIRE BRIGADES UNION PUBLIC SECTOR PAY

Congress welcomes the continued commitment by the Labour Government to promote world class public services. Congress acknowledges the increase in public expenditure to achieve this. Congress believes that dedicated, highly skilled and motivated workforces are key to achieving this aim.

Congress supports the modernisation of our public sector- however within this programme pay and conditions of service for our public sector workers are fundamental in achieving these aspirations.

Congress therefore calls on the General Council to use its influence to ensure that public sector pay reflects the high standards of service provided by public sector workers.

Fire Brigades Union

Carried

COLOMBIA

Congress is appalled at the continued and escalating violence, including intimidation and assassination of trades union officials and members, human rights workers, and many other social activists in Colombia.

Congress applauds the General Council's 'Respite Scheme' initiative which will greatly assist those trade union officials most at risk from assassination, and urges the General Council to seek specific funding and practical assistance from affiliates to assist with this vital initiative.

Congress welcomes the ILO special technical co-operation programme for Colombia to promote social dialogue and the protection of trade unions' and Employers' organisations and calls on the Government to support it.

Congress is however of course disappointed that the ILO Governing Body did not agree to the establishment of a Commission of Inquiry on Colombia, and instructs the General Council to seek to place this on the agenda for reconsideration by the ILO at the most opportune moment.

Fire Brigades Union

Carried

64 Trades Union Congress 2003

The 135th Annual Trades Union Congress was held in Brighton 8 – 11th September 2003.

The 2003 Congress was marked by an unprecedented level of unity among affiliates, including the biggest - Unison, Amicus, GMB and TGWU - around progressive policies. Congress overwhelmingly backed motions criticising the Government's plans for foundation hospitals, calling for action to address the crisis in manufacturing and pensions, and for a greater commitment to employment rights.

Aside from foundation hospitals, there was much debate about public services, including the Fire Service and our pay dispute.

FBU Motions on the Fire Service and Disarmament were carried.

The Fire Brigades Union delegation to Congress was:

Ruth Winters	– President
Andy Gilchrist	– General Secretary
Jim Barbour	– EC Member Region 2
Alan McLean	– EC Member Region 3
Pete Skinley	– EC Member Region 9
Stewart Brown	– Gay and Lesbian Secretary
Vicky Knight	– EC Member Women
Micky Nicholas	– EC Member B&EMM

The Fire Brigades Union Motions were:

FIRE SERVICE

Congress opposes Government plans for the Fire Service based on the Bain Report. The Fire Service is currently a high performing public service enjoying widespread public esteem. Government proposals, outlined in the White Paper, put all this at risk while threatening jobs and the safety of the public and of Firefighters.

Congress declares that new investment and greater levels of local democratic control are required to further modernise the Fire Service. But Congress cannot support proposals to achieve these ends within current inadequate budgets.

Congress rejects the Government's misnamed modernisation strategy, which seeks to sacrifice rights at work and job security in order to promote private sector profit maximisation via PFI and other unaccountable management techniques and operational structures.

Congress calls on all affiliates and Trades Union Councils to assist the FBU in local campaigning for a better Fire Service and to prevent Treasury-driven cuts. Congress further calls on the right to strike, on negotiating rights and national agreements, and on local democracy in the Fire Service.

DISARMAMENT

Congress reaffirms its support for the international rule of law, for the United Nations Charter and for the ILO Conventions. Congress calls for renewed efforts to rid the world of weapons of mass destruction and calls on those with the biggest arsenals to initiate multilateral initiatives under the aegis of the United Nations to achieve substantial progress towards world disarmament.

Congress deeply regrets the failure of our Labour Government to uphold and promote the principles of the UN Charter or to fulfil its obligations as a member of the ILO. Congress calls on the General Council to pursue these crucial issues with relevant Ministers and requests that affiliated unions raise these matters with MPs and Political Parties.

On the evening of Monday September 8, the FBU organised a well-attended fringe meeting on Public Sector Reform. Chaired by Professor Mary Davis, Head of the Centre for Trade Union Studies at the London Metropolitan University, the platform comprised Bro Andy Gilchrist, FBU General Secretary, Tony Woodley, TGWU General Secretary elect, Mick Graham, GMB Public Sector National Officer and Chris Keats, NASUWT Deputy General Secretary.

65 TUC Black Workers Conference 2002

The Fire Brigades Union delegation to the above conference was:

Paul Ahmed	– B&EMM Chair
Paul Greaves	– B&EMM Rep Region 5
Brian Amos	– B&EMM Rep Region 8
Warren Simpson	– B&EMM Rep Region 7
Gerrard Savanhu	– B&EMM Rep Region 10
Michael Nicholas	– EC Member B&EMM
Carl St Paul	– B&EMM Secretary
Garrett Brooks*	– B&EMM Rep Region 11

Motions were on; War Crimes and African Trans-Atlantic Slave Trade. (Carried)

*Nomination for TUC Race Relations Committee.
Duly elected with joint top vote.

66 TUC Black Workers Conference 2003

The Fire Brigades Union delegation to the above conference was:

Paul Ahmed	– B&EMM Chair
David Cass Williams	– B&EMM Rep Region 3
Sam Samuels	– B&EMM Rep Region 7
Carl St Paul	– B&EMM Secretary
Garrett Brooks**	– B&EMM Rep Region 11
Michael Nicholas*	– EC Member B&EMM

Motion: Independence for Western Sahara. (Carried)

*Nomination for TUC Race Relations Committee and duly elected.

**Chair of Conference. 1st FBU official to Chair TUC Conference.

The FBU held a reception to celebrate Bro.Brooks being the Chair and to acknowledge his contribution to the Race Relations Committee on behalf of the FBU since 1998. He has now stepped down.

67 TUC Lesbian and Gay Conference 2002

This year's Conference, the successor to the Lesbian and Gay Conferences of previous years, was held 4th - 5th July 2002, at TUC Congress House, London.

The Fire Brigades Union sent a delegation of eight with four observers including the President elect, Ruth Winters, to contribute to a total of 206 delegates from 40 Unions (four more than last year).

The FBU motion this year, moved by our London Representative Terry Richardson, was on the internal structure of the TUC on how we elect our representative onto the General Council.

This process has been a controversial subject over the years and we were looking to make the necessary changes to allow the LGBT community within the Trade Union Movement to be represented on the top table and fully accountable to the Conference.

REPRESENTATION

Conference notes that we now have a Lesbian/Gay/ Bisexual representative on the General Council and we welcome this.

However we believe that to be fully represented it should be the Delegates and Officials of this Lesbian Gay and Bisexual Conference who elect from this Conference who will represent us on the General Council.

Conference therefore demands that the General Council implement the necessary rule change to allow this.

Moved by: Fire Brigades Union
Seconded by: GPMU

Terry moved this motion, and it was passed unanimously, and later he was voted onto the LGBT Committee to serve once again the FBU, after our Chair Pat Carberry decided to stand down from the position.

Other delegates spoke in some of the major debates of Conference, including discrimination against same sex partners in Pension Schemes (the topic taken forward to TUC) and the needs of LGBT asylum seekers.

The FBU, with Stewart Brown speaking, submitted an amendment on a resolution put forward that looked at the rights of Afghan Workers and the people who have suffered under various regimes and who are looking to

build on their shattered lives after the horrendous bombing from the USA and her so-called allies!

This motion was passed unanimously.

Other International issues were very prominent, with a workshop on Amnesty International's work in the area of asylum seekers, while motions highlighted the fact that 70 countries still criminalise same sex relationships.

Two countries (Iran and Sudan) punish such relationships with the death penalty while torture and/or imprisonment occurs in many countries including Egypt, Zimbabwe, Ecuador, Afghanistan, Jamaica and Saudi Arabia.

Closer to home, the Conference was addressed by Barbara Roche, the Minister for Women & Equality.

Conference closed with reports from around the various TUC Regions where LGBT networks have been set up, including the North East where our Regional Rep, Pete Wilcox has been working hard.

We also managed to ensure that our Pay Campaign was a major issue at the Conference, passing the message to other unions and supporters.

Our thanks go to all delegates and to those Officials who turned up to support our Conference, including the National Women's Chair, Dona Feltham.

68 TUC Lesbian and Gay Conference 2003

The 2003 Conference was held 24th – 25th July at TUC Congress House, London.

227 Delegates attended from 336 affiliated unions and submitted 19 Motions and 3 Emergency Motions covering a whole raft of issues affecting our community.

The FBU submitted a Resolution on the issue of LGBT Asylum Seekers and this was seconded by TSSA (Transport Salaried Staff's Association)

LGBT ASYLUM SEEKERS

It is disgraceful that Lesbian Gay, Bi-Sexual and Transgender people are still persecuted in over 70 countries in the world.

This Congress is aware of the legislation being driven through by this Government which will affect the right of LGBT Asylum Seekers from certain parts of the world.

Conference instructs the TUC LGBT Committee to:

- Apply pressure to the General Council to campaign against the introduction of this legislation
- Encourage all member unions to affiliate to 'Stonewall Immigration Group'
- Apply pressure in whatever form possible to stop the farce that Asylum Seekers face in having to prove that they are Lesbian, Gay, Bi-Sexual or Transgender

This and the other motions have been taken on by the Committee, on which Stewart Brown now sits. He will be looking to progress all the motions from Conference this year and we will continue to keep the Union updated on all these issues.

Guest speakers included Jaqui Smith, Minister of State at the Department of Trade and Industry with responsibility for Industry and the Regions and Deputy Minister for Women and Equality. She spoke about the Employment Equality (Sexual Orientation) Regulations 2003, introduced in December.

She was severely criticised by the FBU delegation after her comments that it was the FBU who continued to put up barriers when it came to equality. We are seeking an apology through the General Council.

At the end of the Conference the new TUC Committee gathered and Stewart Brown, was to represent our members along with 13 other unions.

69 Wales Labour Party Conference 2002

This year's Conference took place in Llandudno in March 2002.

Delegates were Richard Evans, Keith Mangnall and Caroline Williams.

70 Wales Labour Party Conference 2003

No attendance was made at this year's Conference.

71 Wales TUC Annual Conference 2002

Wales TUC Annual Conference 2002 was held at Llandudno May 2002.

The Fire Brigades Union delegation consisted of Richard Evans, Caroline Williams and Simon Jenkins.

72 Wales TUC Annual Conference 2003

Wales TUC Annual Conference 2003 was held at Llandudno 21st – 23rd May 2003.

The Fire Brigades Union delegation consisted of Dick Pearson and Caroline Williams.

The Fire Brigades Union Welsh Region submitted an Emergency Resolution on the pay dispute which was carried unanimously (including Ted George representing Wrexham Trades Council) as follows:

Emergency Resolution – Wales TUC Annual Conference 2003

The FBU recognises and thanks the Wales TUC and its affiliates for the support that they have given our campaign throughout the present dispute. It has now become clear that this dispute is no longer about pay in the Fire Service and following the statement of the Deputy Prime Minister in the House of Commons on Thursday 8 May 2003, at Second Reading stage of the Fire Service Bill, the Government has given a clear signal as to their intention to impose a settlement on a public sector trade union in the midst of a legitimate trade dispute. Since the Fire Service Bill is clearly in breach of ILO Conventions and Treaties to which the UK Government is a signatory we request the General Council of the WTUC to;

1. protest in the strongest possible terms to the Government and to call upon HMG to honour it's obligations under international law by withdrawing the Bill and promoting a negotiated settlement; and
2. should HMG refuse to withdraw the Bill the General Council to formally protest to the relevant international organisations.

The above should be done in the context of solidarity and support to the FBU with a view to preventing any removal of employment rights from any set of workers. This Conference feels strongly that if the treatment of FBU members in this dispute is to be repeated now or in any future legitimate trade dispute in the private or the public sector, then industrial relations and political relations are likely to be damaged irreparably. This Conference believes that the FBU has shown at every stage of this dispute its willingness to negotiate and come to an amicable settlement. This approach has been treated with contempt, arrogance and intransigence by the National Fire Service Employers and this Conference is of the view that this approach can only continue to the detriment of public safety. This Conference pledges its support to the Fire Brigades Union to arrive at a just resolution to their claim.

Dick Pearson was elected onto the General Council of the Welsh TUC.

73 Women's TUC Conference 2002

The Conference was held in Eastbourne 13th – 15th March 2002.

The FBU Delegation was:

Ruth Winters, Vicky Knight, Janette Ferguson, Jo Winrow-Jones, Kerry Baignet, Sally Harper, Heather Lawrie, Yannick Dubois

FBU MOTION

War Crimes

This TUC's Women's Conference applauds the determination of the international community to pursue to conviction those responsible for committing war crimes in Rwanda, the former Yugoslavia and in particular in 1982 the massacre in the refugee camps of Shatila and Sabra.

Conference is particularly determined, as in previous years that those who perpetrate the crimes of rape and the degradation of women and children, wherever they occur, are brought to trial to protect the dignity due to all human beings including the women of the world.

CARRIED

FBU EMERGENCY MOTION

Menwith Hill

In view of

- the danger to the survival of the human race posed by the US 'Star Wars' plan
- the recently revealed (February 2002) unauthorised decision to upgrade the base at Menwith Hill to accommodate MILSTAR (The latest US military communications system)

This Conference resolves:

1. to welcome the re-establishment of the women's peace camp at Menwith Hill
2. to support and promote the mass women's demonstration planned for 12 December 2002; this date marking the 20th anniversary of the 'surround the base' demonstration at Greenham Common.

CARRIED

AMENDMENTS

The FBU also submitted an amendment to a resolution submitted by ASLEF entitled 'Women's health and managing for attendance'

The delegation spoke on the following motions:

- Public Services
- Childcare
- Women's Health managing for attendance
- Women in Afghanistan
- Menwith Hill
- War Crimes
- Colombia
- We asked why last years emergency resolution submitted by the FBU on Western Sahara was not in the Women's Committee annual report.

TUC Women's Committee

Vicky Knight was elected onto the Women's Committee for the first time.

74 Women's TUC Conference 2003

The conference was held at the Adelphi Hotel, Liverpool 12 – 14th March 2003.

The FBU delegation was:

Ruth Winters	– President
Vicky Knight	– Women's EC Member
Kerry Baignet	– Women's National Secretary
Dona Feltham	– Women's National Chair
Janette Ferguson	– Region 1 Women's Rep
Staci Leach	– Region 6 Women's Rep
Heather Lawrie	– Tayside Women's Rep
Sally Harper	– London Women's Chair

FBU EMERGENCY MOTION

Fire Service Pay Dispute

Conference is appalled at the proposed casualisation of the Fire Service which has been linked to the latest offer on pay. It is clear that the agenda of the Fire Service Employers is not to modernise the Service

but to erode collective bargaining and to turn a relatively family friendly working environment into one that emulates the worst for families.

They have continued to pursue the so called 'Independent Review of the Fire Service', commissioned by New Labour, written mainly by the Fire Service Employers and signed by Professor George Bain.

This is not only a sexist report condemning women to unequal pay but also uses women as an excuse to attack conditions of service, attempting to return workers to the draconian conditions of absent and exhausted parents.

Conference fully supports the FBU in its attempt to achieve appropriate pay levels for its members and calls on the Women's Committee to raise the issues within this motion with the General Council, in particular to build upon the support already given to the FBU by the TUC by whatever means possible to assist them to win this dispute.

The women's delegation spoke on the following resolutions:

- Fire Service Pay dispute – Vicky Knight moved this resolution
- Equal Pay – Sally Harper spoke in support of this resolution
- Privatisation of public services – Kerry Baigent spoke in support of this resolution
- Work life Balance – Janette Ferguson spoke in support of this resolution
- Sex and Relationship Education – Heather Lawrie spoke in support of this resolution

Ruth Winters asked the TUC Women's Committee for an update on the Nestlé stall at the main TUC Conference.

Kerry Baigent was asked to second the vote of thanks where she had another opportunity to raise the profile of the FBU dispute.

The following speakers addressed Conference:

- Brendan Barber, TUC General Secretary Elect
- Rt.Hon. Patricia Hewitt MP, Secretary for Trade & Industry and Minister for Women
- Helen Jackson, MP
- Gloria Ramirez, CUT Columbia,
- Yvonne Strachan, Equality Unit Scottish Executive.

Women's Committee

Vicky Knight was elected onto the Women's Committee for the second year running.

The following statement on Iraq was agreed at Conference.

The TUC Women's Conference expresses our opposition to war against Iraq, without the explicit authority of the United Nations and our abhorrence at the rush to war.

We pay tribute to the many organisations and individual women and men who have raised their voices and taken action in support of a peaceful solution through the UN.

Recognising the overwhelming support of women all over the world for this approach, Conference welcomes the attached statements on Iraq.

- TUC General Council Statement - Feb 2003.
- ICFTU World Women's Conference Resolution - Feb 2003.
- ETUC Executive Statement - March 2003.
- Letter to TUC affiliated unions from TUC General Secretary Elect - March 2003.

Conference agrees to hold a demonstrative action in support of peace at the 2003 TUC Women's Conference on Friday 14th March, to show our solidarity with women workers across the world.

Furthermore, we pledge to continue to work for peace. In the words of the traditional labour movement song, honouring women trade unionists struggles.

We say **"YES TO PEACE, BREAD AND ROSES"**.

74a Irish Congress of Trade Unions

Irish Congress of Trade Unions Northern Conference 2002

An FBU delegation attended the Irish Congress of Trade Unions Northern Conference, held at Bundoran Co. Donegal, Republic of Ireland, in July 2002.

The FBU was represented by:

Andy Gilchrist	– General Secretary
Ruth Winters	– President
Jim Barbour	– EC Member, Northern Ireland
Jim Quinn	– Regional Chair, Northern Ireland
Aubrey Crawford	– Regional Treasurer, Northern Ireland
Linda Rowan-O'Neill	– Women's Rep, Northern Ireland
Tony Maguire	– Regional Secretary, Northern Ireland

Delegates contributed to debates, including the Northern Ireland Peace Process and Women's Equality Issues.

Irish Congress of Trade Unions Biennial Conference 2003

An FBU delegation attended the Irish Congress of Trade Unions Biennial Conference, Tralee Co. Kerry, Republic of Ireland, July 2003.

The FBU was represented by:

Andy Gilchrist	– General Secretary
Ruth Winters	– President
Jim Barbour	– EC Member, Northern Ireland
Jim Quinn	– Regional Chair, Northern Ireland
Linda Rowan-O'Neill	– Women's Rep, Northern Ireland
Stephen Boyd	– Regional Treasurer, Northern Ireland
Morris Wilson	– Regional H&S Co-ordinator, Northern Ireland

The FBU delegation moved Emergency Resolutions on the Pay Campaign and the Northern Ireland Assembly as well as contributing to the debate on the War in Iraq. The resolution on the Northern Ireland Assembly demanded action by the British and Irish governments for an early return to the normal running of the Assembly, given the current crisis in the Peace Process and came about following high level contacts between the FBU Representatives and leading political figures in Northern Ireland.

Section

Pensions

75 Pensions

As reported in previous Annual Reports to Conference, we are still awaiting the Government's review of the Firemen's Pension Scheme (FPS). However, there have been some minor changes to the FPS, which on the whole have been beneficial.

PROPOSED AMENDMENTS TO FPS

A consultation paper was issued in 2003 on proposed amendments to the Scheme, to which we submitted a detailed response.

Although the proposals were largely aimed at improving the scheme, we did raise our objections to certain proposals which we feel would be of detriment to certain Scheme members.

Reproduced below is a brief explanation of the proposed changes, followed by the FBU response to the changes.

At the time of printing, the Office of the Deputy Prime Minister has yet to publish the final amendments.

PROPOSED CHANGES

The proposed amendments cover two of the pension issues highlighted in the Government's White Paper "Our Fire and Rescue Service":

- (i) A change in the definition of Firefighter that allows people to remain in the Pension Scheme if they undertake roles other than firefighting. At present, a Firefighter must be fit to engage in firefighting to stay in the Scheme. This has been a barrier to the retention of those Firefighters who are able to offer other skills to the service after an earlier career involving firefighting. This change will not affect a Firefighter's conditions of service; the aim is not to retain people who are unfit for all operational duties. It is designed to enable an Employer to continue to draw on the experience of trained Firefighters, who may no longer undertake firefighting duties and enable Firefighters to stay in the Scheme and receive the benefits that it offers.
- (ii) An obligation on Fire and Rescue Authorities to use independent medical assessment before approving applications for early retirement on ill-health grounds. Fire and Rescue Authorities are already starting to do this. The amendment will confirm the requirement in legislation.

In addition the amendments cover a range of issues, including:

- the tidying up of provisions to take account of maternity, adoption and paternity leave and benefits paid to dependants;
- the introduction of part-time regular Firefighters into the Service;
- clarification of pensionable pay;

- a revision in the responsibilities of Medical Appeal Boards and how costs might be apportioned in the future when Boards are cancelled or postponed at short notice; and
- who might act as representatives at Appeal Tribunals, which are established in certain cases when a person has been in temporary employment.

This table provides a brief explanation of the proposed changes to the provisions and why they are being included.

Purpose	Explanation	Rule
To include maternity leave adoption and paternity leave	Pension Contributions - To deal with contributions paid by election under Rule G2A.	A8
To deal with medical retirement	Definition of “permanently disabled” - To define ‘permanent’ so that a person’s disablement will continue until the person’s compulsory retirement age which is 60 for those holding the rank of Assistant Divisional Officer or a higher rank; or age 55 for those holding the rank of Station Officer or lower.	A10
To include part-time regular Firefighters	Regular Firefighter - To amend the use of ‘Wholetime’ Firefighter to ‘regular’ Firefighter, which can include part-time ‘regulars’.	A13 & A14
To include maternity adoption and paternity leave	Pensionable Service - To include reference to failure to make an election to pay contributions under G2(A).	A14
To deal with maternity, adoption and paternity leave	Pensionable Service - To deal with periods where an election not to pay contributions under Rule G3 has effect and periods will not count.	B5(1) (a)
To take account of part-time working	Deferred Pension - To ensure that a part-time regular Firefighter qualifies for a deferred award after 2 ‘qualifying’ years. An amendment is required to count the calendar length of service of the part-time Firefighter.	B5(1) (A) - new rule
To take account of maternity, adoption and paternity leave	Commutation - general provision - To clarify service to mean 30 ‘pensionable’ years.	B7
To enable a Firefighter retired on ill-health grounds to be able to allocate pension	Allocation - Before allocation members are required to satisfy the Fire & Rescue Authority that they are in “good health”. Although unable to carry out the duties of a Firefighter they would still be expected to have a “normal life expectancy”. This needs to be taken into account. Also, the option for a member to elect to allocate a portion of their Ordinary Pension before retirement is no longer necessary. Finally, there is no justification for continuing with the requirement that the amount of pension allocated should continue to be deducted from the member’s entitlement if the beneficiary dies before the member.	B9
To amend dependants benefits	Spouse’s ordinary pension - To allow the payment of a spouse’s pension for a Firefighter who has at least 2 years pensionable service. Rule C1(1) currently says ‘at least 3 years’. The amendment would be effective from 6 April 1997.	C1
Part of the maternity, adoption and paternity leave arrangements	Pensionable Service - To include service counting as pensionable under maternity, adoption and paternity leave arrangements in Rule F2.	F1

Purpose	Explanation	Rule
To include maternity adoption and paternity leave	Current service - In order to include the new unpaid maternity leave provisions two consequential changes will also be required to F2A and G2A.	F2
To include maternity, adoption and paternity leave arrangements	Current service - maternity leave - To set out the periods of maternity leave (paid and unpaid) which will reckon for pensionable service and set out when contributions will be required.	F2A
To deal with adoption leave	Current service - adoption leave - To set out the periods of service which will and will not reckon for pensionable service.	F2B
To deal with paternity leave	Current service - paternity leave - To set out the periods of service which will and will not reckon for pensionable service.	F2C
To include part-time regular Firefighters	Current service for a part-time regular Firefighter - To include the admission of part-time Firefighters. To consider whether Schedule 2 Part 1 should be amended to include a formula for calculating pension awards for part-time regular Firefighters.	F2D
To deal with maternity, adoption and paternity leave	Pensionable pay and average pensionable pay - To clarify pensionable pay during maternity, adoption and paternity leave.	G1 (2A)
To clarify pensionable pay	Pensionable pay and average pensionable pay - The wording in G1(3) where 'aggregate' is used has been open to challenge and therefore the definition needs to be clarified.	G1 (3A)
To include maternity adoption and paternity leave	Pensionable pay and average pensionable pay - To deal with any reduction in pensionable pay during certain leave periods.	G1(6)
To include maternity, adoption and paternity leave	Optional pension contributions - To deal with unpaid maternity, adoption and paternity leave.	G2(A) & G2(B)
To deal with the payment of pension contributions	Payment of periodical contributions for increased benefits - G7 (3) needs amendment so that if the lump sum is not paid within 3 months of the date the payment of contributions commence, that portion of the election shall be treated as not having been made.	G7(3)
To take account of independent medical assessment	Determination by Fire Authority - Fire and Rescue Authorities need to seek the view of an independent medical adviser when determining the type of award under Rule H1 that a Firefighter should receive.	H1
To clarify the responsibilities of Regional Boards of Medical Referees	Appeals to medical referees - To amend rule H2 of the FPS to ensure that a Board of Medical Referees has the power to make decisions encompassing all aspects of the case including matters relating to the appellant's earning capacity under Rule B4 and is not limited to medical issues.	H2
To amend dependants benefits	Awards on death of servicemen - An amendment is required to Rule I3(2) in order to make provision for the child of a deceased serviceman to be entitled to a child's pension under Rule D1. This entitlement was included in the 1973 FPS Order but was omitted from the 1992 FPS Order. It is also necessary to backdate that change to 1 March 1992.	I3

Purpose	Explanation	Rule
To deal with members who are not Wholetime or part-time regular Firefighters	Whole-time or part-time member of a Brigade who is not a regular Firefighter - There is no definition within the FPS but it covers fire control operators, who are defined by paragraph 3(1) of the Fire Services (Discipline) Regulations 1985 as persons “who are engaged in duties in connection with the reception, transmission and recording of calls for the assistance of a Brigade, and with the transmission of instructions regarding the provision of such assistance by a Brigade”.	J3
To amend dependants’ benefits	Whole-time member of Brigade who is not a regular Firefighter - To remove the restriction applied to the children of female members of Brigades who die from the effects of a qualifying injury. Male Firefighters (who come under J3 and J4) would receive an appropriate child allowance without any dependency test.	J3 (3)(b)
To separate the definition of Retained Firefighters from part-time regular Firefighters	Retained member of a Brigade - For the purposes of Rule J4, introduce a definition of Retained and volunteer Firefighters to separate part-time regular Firefighters from Retained members and amend J4 references to part-time accordingly.	J4
To amend dependants’ benefits	Retained member of a Brigade - To restore the entitlement for the spouse or children of a deceased Retained member to receive their awards at the rate of the deceased’s pay or pension for the first 13 weeks of the award. This entitlement was provided in the 1973 FPS Order but was omitted when the 1973 Order was consolidated into the current 1992 Order.	J4
Tidying up of provisions	Retained member of Brigade - Paragraph (5) - “E8 (increase of pensions and allowances)” needs to be mentioned after “E6 (gratuity in lieu)”.	J4 (5)
To amend dependants’ benefits	Retained member of a Brigade - To remove the dependency test applied to the children of female Firefighters who die from the effects of a qualifying injury.	J4 (6)
To enable Fire Authorities to review cases	Cancellation of ill-health and injury pensions - To enable Fire Authorities to review <u>all</u> cases where a Firefighter has received early payment of a deferred pension due to permanent disablement.	K1
To amend injury benefit rules	Reduction of award in case of default - Under Rule K3 (1) where a person is permanently disabled, a Fire and Rescue Authority may reduce any ill-health or injury award payable to him/her by them to not less than half its full amount, if the person has brought about or contributed to his/her infirmity by his/her own default. However, this is inconsistent with the rules of injury awards. To be eligible for an injury award the person must have had their infirmity occasioned by a qualifying injury (Rule B4(1)). A qualifying injury is an injury received by a person “without his/her own default” (Rule A9). It is therefore proposed that the reference to ‘injury award’ should be deleted from Rule K3(1).	K3
To amend dependants’ benefits	Withdrawal of pension during service as regular Firefighter - To remove the discretion to withdraw a spouse’s pension.	K4
To amend dependants’ benefits	Prevention of duplication - To ensure that a child would receive an award in respect of both parents if they are Firefighters.	L4(4)

Purpose	Explanation	Rule
To include part-time regular Firefighters	Definition of "regular Firefighter" - To amend the definition of 'Regular Firefighter' to include: Wholetime and part-time regular Firefighters; and persons performing roles appropriate to their ranks, which may no longer include engaging in firefighting, so that they may continue as members of the FPS.	Part I of Schedule 1
To deal with maternity, adoption and paternity leave	Failure to elect to pay contributions - Amend 1(2) and 2(1) to deal with counting of pensionable service.	Part V of Schedule 2
To include maternity, adoption and paternity leave	Pensionable service and Transfer Values - To take account of any reduction in pensionable pay.	Part III schedule 6
To include maternity, adoption and paternity leave	Pensionable Pay - To clarify pensionable pay.	Part I Schedule 8
To amend the provisions concerning medical appeal boards	Medical Appeals - To extend the discretion for Fire Authorities to decide whether to recover from an appellant the whole or part of the fees where a medical appeal is withdrawn at short-notice.	Part I of Schedule 9
These Tribunals are rare and are established in certain cases where a person has been in temporary employment. This updates who can act as a representative	Appeals Tribunals - To update those who can act as representatives. Representation can now be by "an authorised advocate as defined in section 119 of the Courts and Legal Services Act 1990".	Part II of Schedule 9

FIRE SERVICE SUPERANNUATION PROPOSED FIREMEN'S PENSION SCHEME AMENDMENT ORDER 2003. COMMENTS OF THE FIRE BRIGADES UNION		
Rule	Purpose	Comment
A8 (aggregate pension contributions for the purpose of awards)	To include maternity leave adoption and paternity leave.	No comment.
A10 Definition of disablement	To deal with medical retirement.	No comment.
A13 & A14 Compulsory retirement	To include part-time regular Firefighters.	Consequential on the proposal to amend the definition of 'regular Firefighter' (see below).
A14 Compulsory retirement	To include maternity adoption and paternity leave.	No comment.
B5(1),(a) Deferred pensions	To deal with maternity, adoption and paternity leave.	No comment.
B5(1)(A) - new rule	To take account of part-time working.	No comment.

Rule	Purpose	Comment
B7 Commutation	To take account of maternity, adoption and paternity leave.	No comment.
B9 Allocation	To enable a Firefighter retired on ill-health grounds to be able to allocate pension.	No comment.
C1 Widow/er's pension	To amend dependants' benefits.	No comment.
F1 Calculating pensionable service	Part of the maternity, adoption and paternity leave arrangements.	The point should be made that an application for leave to appeal has been made in the Retained Firefighters' case (<i>Matthews and Ors -v- Kent and Medway Fire and Rescue Service and Ors</i>) If leave is granted and the appeal succeeds then further amendments will have to be made to this regulation. The FBU therefore reserves its position.
F2 Calculating pensionable service	To include maternity adoption and paternity leave.	As above.
F2A Calculating pensionable service	To include maternity, adoption and paternity leave arrangements.	No comment.
F2B Calculating pensionable service	To deal with adoption leave.	No comment.
F2C Calculating pensionable service	To deal with paternity leave.	No comment.
F2D Calculating pensionable service	To include part-time regular Firefighters.	The FBU believes that this proposal is unlawful. In <i>Magorrian -v- Eastern Health and Social Services Board</i> , the European Court of Justice held that the right to accrue benefits at a higher rate after a fixed period of service is an issue relating to access to a pension scheme. As such, under this proposal part time Firefighters will be denied access to the benefit of accelerated accrual on the same terms as full time Firefighters. The FBU has no objection to the principle that the hours (but not the pay) of part-timers should be pro rated, but the accrual formula in Schedule 2 Pt 1 needs to be amended to account for the actual service of part-timers rather than their pensionable service.
G1 (2A) Contributions	To deal with maternity, adoption and paternity leave.	No comment.
G1 (3A) Contributions	To clarify pensionable pay.	No comment.
G1(6) Contributions	To include maternity adoption and paternity leave.	No comment.

Rule	Purpose	Comment
G2(A) & G2(B) Contributions	To include maternity, adoption and paternity leave.	No comment.
G7(3) Added years of service paid for	To deal with the payment of pension contributions.	No comment.
H1 1st stage medical decisions	To take account of independent medical assessment.	(i) The certificate should state that the IQMP is independent of the Secretary of State too. (ii) The certificate should state that the IQMP has no financial interest in the outcome of the application (iii) The certificate should be required to state whether any matter to be considered lies outside the IQMP's field of expertise. (iv) He or she should also state, in the certificate whether he or she is satisfied that all the information required to make a decision has been provided. (v) It should also contain a statement to the effect that he or she confirms that insofar as the facts stated in their report are within their own knowledge they have made clear which they are and they believe them to be true, and that the opinions they have expressed represent their true and complete professional opinion. These proposals mirror the requirements of the Civil Procedure Rules applicable to expert witnesses. IQMPs and Boards sit in a quasi-judicial capacity and the Rules should require the same standards as the Rules applicable in Court proceedings.
H2 Appeals	To clarify the responsibilities of Regional Boards of Medical Referees.	The FBU believes that this proposal makes no sense: (i) Assessing non-medical facts (particularly the nature of a Firefighter's duties) is a matter within the field of expertise of the lay members of a Fire and Rescue Authority but not of a doctor. (ii) The Board will need to be trained to understand all such non-medical facts and that causes needless expense. (iii) Similarly it will add needlessly to the expense of dealing with appeals if the Board has to be briefed on all of the non-medical facts they will be required to determine. (iv) The Court in Ex Parte Yeates (a police pensions case) that it is bizarre to require a medical referee to decide issues of non-medical fact and the FBU agrees. The FBU understands the desire to tidy up the appeal mechanisms under the FPS but they believe that this is not the way to do it.
I3 Servicemen	To amend dependants benefits.	No comment.

Rule	Purpose	Comment
J3 Injury awards for con ops	To deal with members who are not Wholetime or part-time regular Firefighters.	No comment.
J3 (3)(b) Injury awards for con ops	To amend dependants' benefits.	No comment.
J4 Retained members	To separate the definition of Retained Firefighters from part-time regular Firefighters.	See the comments above regarding the Retained Firefighters' appeal. Note also that it was common ground in the Employment Tribunal that Retained Firefighters are part-time employees as that term is commonly understood. To distinguish between Retained Firefighters and part time regular Firefighters on the basis that the former are not part-time employees contradicts common English usage.
J4 Retained members	To amend dependants' benefits.	No comment.
J4 (5)	Tidying up of provisions.	No comment.
J4 (6)	To amend dependants' benefits.	No comment.
K1 Review of medical cases	To enable fire authorities to review cases.	No comment.
K3 Reduction in cases of default	To amend injury benefit rules.	No comment.
K4 Withdrawal of benefits	To amend dependants' benefits.	No comment.
L4(4) Duplication of awards	To amend dependants' benefits.	No comment.
Part I of Schedule 1 Definitions: Regular Firefighter	To include part-time regular Firefighters.	Insofar as the amendment allows part-time Firefighters to join the scheme, the FBU has no objection. However: (i) Firefighters join the service to be a Firefighter. They should not be required to do a job they never applied for. (ii) Retaining non-operational members in the Brigade will mean that the establishment numbers will no longer reflect the capacity of the Brigade to do their job. How will the Brigade's establishment now be defined? (iii) It should be a matter for the individual Firefighter to decide whether or not he/she wishes to remain in the Brigade as a non-operational Firefighter. (iv) At the very least, the 'role appropriate to rank' must also include a reference to the person's experience and former role. (v) The Brigade should also be required to establish that there are in fact a non-operational job for the Firefighter to do. That is the case in the Local Government Pension Scheme.

Rule	Purpose	Comment
Part V of Schedule 2 Calculation of service for the purpose of calculating injury awards	To deal with maternity, adoption and paternity leave.	No comment.
Part III schedule 6 Transfers between Fire Authorities	To include maternity, adoption and paternity leave.	No comment.
Part I Schedule 8 Purchase of added years of service	To include maternity, adoption and paternity leave.	No comment.
Part I of Schedule 9 Medical appeals process	To amend the provisions concerning medical appeal boards.	(i) This amendment would mean that the appellant could be required to pay if the appeal is withdrawn late in the day and was <i>not</i> frivolous; by definition that is unsatisfactory, particularly if it makes Firefighters continue with an appeal because they have nothing to lose by doing so. (ii) The Rule should make it clear that it only applies to the third member and not the whole Board. And why make people fight on because they have nothing to lose? (iii) The same points made above regarding the certification requirements for IQMPs are repeated here with greater force. There can be no doubt that Boards are quasi-judicial; indeed the FBU believes that they should be regulated by the Tribunals and Inquiries Act. (iv) If the parallel with the Police Pension scheme is being aimed at, then a facility to review decisions of non-medical fact needs to be introduced if the findings are inaccurate or inadequate.
Part II of Schedule 9	These Tribunals are rare and are established in certain cases where a person has been in temporary employment. This updates who can act as a representative.	No comment.

It would be remiss not to mention the Government's proposals for pensions in general, or the two Fire Service Schemes in particular.

The main aim of any forthcoming review would appear to be a longer working life for those who qualify for an occupational pension, and the TUC has set up a committee of interested unions.

Whether the Government will attempt to amend all such schemes at once, or deal with each scheme separately is as yet unclear, but we are in no doubt that they intend to penalise those groups of workers who still have occupational schemes in an attempt to make private schemes equally attractive by comparison, thereby reducing "the burden" on business.



Section



Accident and Injury Fund

76 Accident and Injury Fund

The Management Committee of the Accident and Injury Fund comprises of:

Vice President	Phil Micallef
National Officer for AIF	John McGhee
Executive Council Members:	Alan McLean Dave Green Dave Whatton Mick Shaw Mike Smith
Secretary to the AIF:	Mina Vyas

The Accident and Injury Fund department urges all Officials of the Union at Brigade and Branch levels to ensure that all members adhere to the Rules of the Fund with special attention to the time limits required for submitting the claim.

Accident and Injury Fund
Summary for the year ended 31 December 2002

REG	ON DUTY	OFF DUTY	DEATH	REOPENED CLAIMS	DEATH OF A DEPENDANT	TOTAL AMOUNT	TOTAL CLAIMS	CONTRI-BUTIONS
1	No of Claims Amount Paid 40 £17,771.03		4 £29,176.00		9 £15,071.70	£62,018.73	53	£193,217.88
2	No of Claims Amount Paid 25 £11,441.07	1 £704.55	1 £10,071.70	1 £538.20	3 £6,459.30	£29,214.82	31	£50,111.05
3	No of Claims Amount Paid 23 £15,821.82		2 £24,206.00		2 £4,306.10	£44,333.92	27	£74,480.18
4	No of Claims Amount Paid 33 £12,829.60		4 £57,820.45		1 £2,153.10	£72,803.15	38	£122,362.23
5	No of Claims Amount Paid 28 £13,957.65	1 £120.06	1 £16,148.25		4 £6,459.30	£36,685.26	34	£117,189.73
6	No of Claims Amount Paid 35 £19,933.99		2 £20,071.70		2 £4,165.10	£44,170.79	39	£96,100.69
7	No of Claims Amount Paid 38 £18,786.69		2 £23,301.35		1 £2,153.10	£44,241.14	41	£116,588.68
8	No of Claims Amount Paid 27 £18,292.24		2 £14,085.00		4 £8,471.30	£40,848.54	33	£86,628.31
9	No of Claims Amount Paid 26 £8,325.00				1 £2,153.10	£10,478.10	27	£62,733.13
10	No of Claims Amount Paid 13 £7,294.55		4 £49,319.40			£56,613.95	17	£94,315.47
11	No of Claims Amount Paid 72 £43,155.13		8 £99,203.95		3 £6,459.30	£148,818.38	83	£170,458.88
12	No of Claims Amount Paid 23 £9,504.88		1 £10,071.70		1 £2,153.10	£21,729.68	25	£93,126.94
13	No of Claims Amount Paid 13 £7,175.08		1 £8,045.00			£15,220.08	14	£77,901.13
14	No of Claims Amount Paid 18 £11,371.67		1 £10,071.70		3 £6,459.30	£27,902.67	22	£77,445.55
TOTAL NO OF CLAIMS	414	2	33	1	34	£655,079.21	484	£1,432,659.85
Total Amount	£215,660.40	£824.61	£371,592.20	£538.20	£66,463.80			

Accident and Injury Fund

Summary for the year ended 31 December 2003

REG	ON DUTY	OFF DUTY	DEATH	REOPENED CLAIMS	DEATH OF A DEPENDANT	TOTAL AMOUNT	TOTAL CLAIMS	CONTRI-BUTIONS
1	No of Claims Amount Paid 41 £18,154.08	1 £881.82	4 £35,746.10		8 £17,569.20	£72,351.20	54	£203,956.39
2	No of Claims Amount Paid 37 £18,233.31	1 £414.00	2 £17,224.20		3 £6,545.40	£42,416.91	43	£55,002.57
3	No of Claims Amount Paid 31 £16,990.58	1 £505.08	1 £16,148.25		4 £8,870.70	£42,514.61	37	£86,569.84
4	No of Claims Amount Paid 32 £14,138.14		2 £10,000.00		2 £4,478.40	£28,616.54	36	£123,597.74
5	No of Claims Amount Paid 35 £16,756.04	2 £841.17	4 £54,133.55		2 £4,306.20	£76,036.96	43	£127,415.77
6	No of Claims Amount Paid 13 £7,707.49		3 £29,149.20		2 £4,306.20	£41,162.89	18	£103,859.93
7	No of Claims Amount Paid 38 £18,346.37	1 £293.94	4 £47,970.90		4 £8,784.60	£75,395.81	47	£127,668.23
8	No of Claims Amount Paid 18 £10,382.14				1 £2,153.10	£12,535.24	19	£106,263.17
9	No of Claims Amount Paid 24 £11,452.96		1 £15,674.40		2 £4,392.30	£31,519.66	27	£65,554.61
10	No of Claims Amount Paid 9 £6,846.00		2 £22,174.70		1 £2,239.20	£31,259.90	12	£106,099.43
11	No of Claims Amount Paid 66 £39,509.78	2 £487.00	4 £49,047.45	1 £68.80	6 £13,090.80	£102,203.83	79	£177,731.40
12	No of Claims Amount Paid 18 £8,320.85		2 £30,143.40		2 £4,392.30	£42,856.55	22	£98,972.59
13	No of Claims Amount Paid 8 £2,331.12		2 £30,143.40		2 £4,392.30	£36,866.82	12	£82,392.44
14	No of Claims Amount Paid 30 £17,803.25	1 £517.50	1 £15,071.70		1 £2,153.10	£35,545.55	33	£84,515.23
TOTAL NO OF CLAIMS	400	9	32	1	40	£671,282.47	482	£1,549,599.34
Total Amount	£206,972.11	£3,940.51	£372,627.25	£68.80	£87,673.80			



Section

Legal Report

77 Legal Report

Since the last report, the number of new claims and amount of compensation recovered on behalf of our members is as follows:

Year ending 2002: New claims: 798

Total amount recovered on behalf of our members:
£8,766,575.52

Year ending 2003: New claims: 909

Total amount recovered on behalf of our members:
£7,798,657.12

A few of the cases that have been concluded are detailed below.

It is important to remember that all claims are individual and specific to the circumstances of both the accident and the consequences to the individual.

- In January 1998 our member was working on a ladder when the round gave way. Our member fell injuring his neck, right shoulder and lower back.

A claim was made against our member's Employers. They in turn blamed GB Fire Limited who were responsible for maintaining the ladder.

Our member was retired by the Brigade on grounds of ill health on 2nd July 1999, and

subsequently our member moved to the Republic of Ireland. Although he managed to obtain two short term jobs, he did not find permanent employment.

Court proceedings were issued on 12th July 2000. As GB Fire Limited admitted liability proceedings were pursued against them.

Although our solicitors obtained Judgment against GB Fire, they did not put any offers forward. The case was then set down for trial with a hearing date of 11th March 2002.

On Friday before the hearing, 8th March 2002, the Defendants applied to the Court to adjourn to enable them to obtain medical evidence. The Judge took the view that the application was far too late and refused leave to do so.

At the hearing on the 11th March 2002, the Defendants started negotiating seriously for the first time. After some discussion our member accepted an offer of £175,000 including CRU benefits of £1299.33. This represents a reasonable settlement.

We would like to take this opportunity to thank Steve Cottingham, Thompsons Solicitors, for his invaluable help in this matter.

- The FBU and its Solicitors, Thompsons, have won nearly £500,000 for former Firefighters who developed fatal asbestos related diseases.

All the Firefighters contracted, Mesothelioma, the deadly asbestos cancer which causes an extremely painful and often drawn-out death.

The Firefighters worked for the Brigade, mostly from a young age, from the 1940's onwards. It was alleged that they were exposed to asbestos fibres whilst working with anti-flash hoods and asbestos gloves. These anti-flash hoods worn whenever there was a risk of an explosion contained asbestos materials.

One Firefighter recalls that he used to have to carry out regular checks of the hoods and remembers the white asbestos dust sitting at the bottom of the box which the hoods were stored in. His hands would be covered in white asbestos dust after handling the hood.

Little did he know that when the hood was on his head he was breathing in fibres which would eventually take his life.

Another Firefighter was part of the emergency tender unit, which would train three times per week. He had to wear the anti-flash hood throughout each training session. Other Firefighters would have worn these hoods during drills throughout the year and at incidents where there was a risk of an explosion.

The dangers of asbestos have been known for many decades. However, the Brigade never warned its Firefighters of the dangers of asbestos and did not remove them from asbestos exposure until it was too late. It is only right that the Brigade pays compensation for this failure and the suffering it has caused. But no amount of money can compensate these men's families for the tragic loss.

One Firefighter who has been successful in his claim is just 57 years old. He has received the sum of £240,000 in compensation. It is unlikely he will see in his 58th birthday. His wife and three daughters will have to watch him die in front of their eyes.

■ Our member was the passenger in a fire appliance which had just left his fire station on its way to an emergency call. As it turned a corner, the door flew open, and our member fell out and landed heavily on the floor sustaining injuries.

Our member suffered a fractured skull and other less serious injuries. He was in intensive care for 48 hours before slowly recovering. He was left with a significant level of intellectual impairment, including memory loss and changes in personality

and behaviour. He also suffered permanent loss of his sense of taste and smell.

Our member had no memory of the accident because of his head injury. He could not explain how the door opened and how he came to fall out of it. The door was not defective but it was obvious that it had not closed properly.

There should have been a warning light on the cab which remained illuminated until the door was closed. However, the light remained on, even whilst the door was still open. The driver of the appliance was unaware of this problem and had not been instructed in any alternative method to check that the doors were secure before moving off.

There had been previous accidents and near misses including a fatal accident in a neighbouring Brigade a few years earlier.

In addition to having a safe and operational system of checking whether appliance doors were closed, the Employers could have adopted a safer system of donning kit prior to boarding appliances, in line with FBU Policy as laid out in our booklet 'Crew Cab Safety'. This would have ensured that all Firefighters could have worn seat belts during their time en route. Such a system was introduced, but only after our member's accident. A case of "too little, too late".

Our member's Brigade strenuously contested the claim and when proceedings were commenced they served a Defence denying liability.

There were no proposals in settlement whatsoever and the case proceeded to trial in the High Court at Liverpool on 16th February 2002. On the third day of the trial, an offer of £100,000 in full and final settlement was put forward on a compromise basis and our member was pleased to accept the offer.

Our thanks to Matthew Tollitt of Thompsons Solicitors for his assistance with this case.

■ Our member was involved in a serious road traffic accident, during the course of his work as a Retained Firefighter in 1997. He was a Leading Firefighter at that time and had a full time job as a manager in a local factory.

The accident occurred when they received an emergency call. The member being a Retained Firefighter, went to the fire station immediately and met up with the other Retained Firefighters. He was the Officer in Charge of the appliance.

He was in the front in the passenger seat and was not wearing a seat belt prior to the collision because he was dressing. Suddenly as they were going down a country lane he heard the man in the back shout "watch out". The fire engine mounted the verge, hitting a tree stump and this caused the vehicle to go out of control. It then hit another tree further up the road and turned over. The Fire Service had to call out another fire engine to cut him and other personnel out of the vehicle. He was taken by ambulance to hospital and sustained serious fractures to his leg. He also required plastic surgery in the form of skin grafts to his legs. He had to receive counselling and was unable to work as a Firefighter and indeed unable to work as a manager in his full time job. Both jobs were terminated on the grounds of ill-health.

Whilst in hospital, and to prevent deep vein thrombosis, he had to have injections via his stomach. He was in a wheelchair for four weeks when he came out of hospital, and his wife had to care for him daily. He had flashbacks and sleepless nights as a result of the accident and became depressed.

A claim was made against his Brigade as far back as 1997 but unfortunately because of the severity of the injuries the member's claim could not be settled. The other side however did admit negligence and were prepared to pay interim payments of which there were two, amounting to £65,000.

The case was due to go to trial in November 2002. Prior to trial the other side made various offers, the first of which was £100,000, the second £150,000 and then after further negotiations they increased their offer to £200,000.

Our member was pleased to accept this sum, the vast majority of his claim for compensation was in relation to loss of earnings for both jobs.

Our thanks to Julie Woods, Thompsons Solicitors, for her invaluable help to our member.

- Our member was driving a fire appliance in response to an emergency call when another vehicle pulled out in front of him at a roundabout, causing our member to lose control of the appliance which then hit a bridge.

The front of the fire appliance was seriously damaged and our member was trapped for some three hours whilst the appliance was stabilised and our member was subsequently rescued from the appliance.

On being rescued from the appliance, it was discovered that our member had suffered very serious lower leg injuries, and unfortunately as a consequence both of his legs had to be amputated through the knee.

Liability for the accident was disputed and the matter eventually proceeded to trial on liability in June 2000.

On the day of the trial, liability was agreed at 90% in favour of the Claimant. The reduction of 10% was conceded to take into account the risk of litigation.

Due to the serious nature of our member's injuries it has taken some significant time to finalise all of the medical and other necessary evidence.

In total nine medical experts were instructed, and in addition, it was necessary to obtain detailed evidence in respect of our member's housing needs. All of the evidence was finalised earlier this year.

The Defendants had made a number of offers all of which were rejected and the case was due to proceed to an assessment of damages hearing in June 2003.

After lengthy negotiations an offer was made (after the deduction of 10% in respect of agreed contributory negligence) of £1,440,776.73 which our member accepted.

Our thanks to Allison Fitchett, Thompsons Solicitors, for her help in this matter.

- Our member was making his way to the fire station when he was involved, while riding his motorcycle, in a serious RTA in which he sustained major injuries in June 1998.

As a result of the accident he has suffered permanent spinal injuries such that he has been rendered paraplegic. He is paralysed from the mid chest down as a result of the injuries.

He also suffered a severe injury to the nerves in his left shoulder so that his left arm is paralysed. He was dominant left handed before the accident and so this adds a very significant element to his disability.

Liability for the accident was contested and our Solicitors were of the opinion that the court would find primary liability in our members favour but there was a significant argument on the question of contributory negligence. The Defendants were claiming that our member was 25% to blame for the accident occurring.

Counsel's advice was sought and our Solicitors instigated court proceedings, asking for a split trial on the question of liability, to deal with the question of contributory negligence as the Defendants were not prepared to concede on liability.

It took some considerable time to collect all the necessary evidence regarding the nature of our member's injuries and other expert reports to help deal with the liability question.

The liability element of the case was successful and although the Defendants raised an appeal in relation to this, it was rejected by the Court of Appeal. An award therefore was made on a 100% basis.

Detailed evidence was obtained in relation to all of our members losses, which were all recovered, together with the damages for his injuries in a very substantial award of £2,120,591.43.

Our member will now be able to have the care he needs for the future and our thanks to Peter Mulhern of Thompsons for his efforts in securing this settlement.

■ We instructed Thompsons Solicitors to look after the interest of our member who suffered back injuries when during the course of her employment as a Fire Control Operator, she tripped over a computer monitor box.

A claim was made on our member's behalf. No satisfactory proposals for settlement were put forward and Court proceedings were commenced.

As a result of her injuries our member was medically retired from her employment and the medical evidence obtained stated the injury she suffered in the accident had accelerated a pre-existing condition by approximately five years. Our Solicitors therefore claimed a loss of earning for a five year period, together with the loss of pension.

The Defendants then obtained their own medical evidence which stated the Claimant's injuries from the accident would have only lasted from three to six months.

This meant there was a large area of dispute in quantum between parties. On the Solicitors evidence our member's case was worth in the region of £80,000 and on the Defendants case, probably no more than £20,000.

The case was set down for trial and a trial date fixed for Feb 2002.

The Defendants then made an offer to our member of £24,000 subject to deduction of DSS benefits. This offer was clearly in an attempt to settle this case on a compromise basis and after fully considering the matter our member was advised to reject the offer and proceed to Trial, which she agreed with.

At the Trial both parties medical experts were called to give evidence and the Defendants although admitting primary liability for the accident were alleging contributory negligence on the part of our member for failing to look where she was going when she tripped over the computer monitor.

After the hearing the Judge reserved Judgement until March.

We are pleased to report that the Judge gave his Judgement and awarded our member the total sum of £87,074.15 which she was delighted to accept.

Out thanks to Anna Konzon of Thompsons Solicitors for her efforts in achieving such an excellent result for our member.

■ This was a particularly difficult and complex Criminal Injuries Compensation Claim.

Our member was a Firefighter with 21 years service. Whilst using a hose reel to extinguish a car fire there was an explosion - presumed to be one of the struts supporting the tail gate. This was only about a foot away from his right ear.

Our member was physically unharmed apart from continual ringing in his ear. However, he developed what was later diagnosed as post traumatic stress disorder. His symptoms continued and he remained off work. He was referred for therapy and prescribed medication.

In February 1997 he was retired from the Fire Service on medical grounds. This added to his depression.

In December 1999 he became very ill and was admitted to hospital with suspected meningitis. In hospital his condition worsened and he suffered chronic renal failure which his family were told was life threatening. Thankfully his condition stabilised but he was left with only about 25% of his kidney function. Medical evidence established that his psychological problems stemming from the incident in September 1995 were a significant cause of the infection which caused damage to the kidneys. His depression and anxiety had depressed his immune state making him more susceptible to serious infection.

It was established that the cause of the car fire in 1995 was malicious ignition. On this basis an application for criminal injuries compensation was submitted in March 1996. Psychiatric evidence was obtained and submitted to the CICB and it was possible to obtain interim awards. Calculation of his loss of earnings was submitted. The illness of December 1998 complicated matters. Before that illness our member had been considered by the DSS as fit for some work. Following his illness he was and remains unfit for work.

Our member's case was finally listed for hearing on 25th September 2003, where he was represented by Counsel.

An award of £125,085.00 was made.

- On the 15th April 1997, our member was working at the Fire Station when an emergency call was received from Control which required our member and colleagues to attend a road traffic accident with a chemical spill. Therefore the Control Unit was required.

Our member was the driver of the Control Unit. As they were travelling down the road all the lights and horns were on as they approached a junction. Our member then became aware of a red car travelling towards the mini roundabout. This particular car slowed right down and therefore our member assumed he had a clear run around the approaching roundabout.

Even though the car had slowed down, it kept travelling towards the Control Unit and at this point the Control Unit had already crossed the markings on entry to the mini roundabout. The car did not stop. Our member did not have time to brake as it was a matter of seconds before a collision and therefore he tried to swerve to avoid the car. The front of the Control Unit caught the front off side of the car and the Control Unit mounted the roundabout. The Control Unit

became unstable and bounced from left to right. The vehicle eventually came to a standstill. Our member was trapped in the wreckage for some three hours before being taken to Kettering General Hospital. At hospital our member underwent emergency surgery to amputate both legs first below the knees and then through the knees three days later.

Our member spent six days in intensive care and was eventually discharged from hospital on 19th May 1997.

A letter of claim was sent to the owner of the car in August 1997. Court proceedings were issued in the High Court on 17th October 1997 and thereafter the Proceedings were served on the Defendants in April 1998.

The Defence denied liability in their Defence. A Court Hearing took place in July 2000 in respect of the liability aspect of the case and judgement on liability for our member was agreed at 90% of the full value of the claim.

Whilst medical evidence was sought, various interim payments amounting to £375,000 were received by our member.

Our member's medical evidence consisted of Orthopaedic Reports, Prosthetic Reports, Care Consultants Reports, Occupation Therapists Reports, Housing Needs Reports, Neurological Disability Report, Physiotherapy Report and Rehabilitation Reports.

Prior to the Hearing to determine liability in this matter, the Defendants put forward an offer of £600,000 in final settlement of our members claim. This offer was rejected.

In May 2003, the Defendants put forward a net offer of £1 million pounds which was clear of interim payments and benefits in final settlement of our members claim.

Accordingly this offer was accepted on behalf of our member.

Taking into account the liability agreement of 90% the overall settlement figure for our members claim came to £1,440,776.68.

Our thanks to Allison Fitchett for her assistance in this matter which resulted in our member receiving an award that will go towards securing his care needs for the future.

- The following article outlines a case run for us by Thompsons Solicitors against Merseyside Fire & Civil Defence Authority which covers our member's appeal under the FPS.

Our member's case involved an appeal to the Liverpool Crown Court under Rule H3(2) of the Firemen's Pension Scheme Order 1992 against the reconsideration by Merseyside Fire and Civil Defence Authority under Rule H3(1) of the Scheme.

The appeal proceeded to Liverpool Crown Court and was listed for a three day hearing between 12th and 14th November 2003. On the second day of the hearing Merseyside Fire and Civil Defence Authority agreed a declaration to the effect that:-

- Our member became permanently disabled and was medically retired under Rule A15 of the Scheme on 4th October 2002 and,
- Was entitled to an ill health pension under Rule B3 of the Scheme calculated as if he had been a regular Firefighter in receipt of pensionable pay at that date and backdated to that date.

In addition, the Authority undertook to withdraw all charges against our member under the Fire Service (Disciplinary) Regulations 1985 and to remove any reference thereto from his Service record. A claim for repayment of sick pay by the Authority was also withdrawn.

The facts and details of the case are somewhat lengthy and are summarised as concisely as possible.

Our member is currently 40 years of age. He was appointed as a Firefighter in November 1986. From 1989 onwards he suffered a number of back strains, and recurrences of his back strain, and had various periods of absence from work as a result.

In February 1999 he sustained a back strain whilst on duty when he was lifting hose out of a locker at work. He was absent from work for an extended period of time until July 2000 when he returned to other duties.

During his absence from work he was examined by the Brigade Medical Officer, who noted a long standing back problem and x-ray evidence showing narrowing of the discs. Shortly afterwards he was examined by a Consultant Orthopaedic Surgeon on referral from his GP who

said that the back was now beginning to decompensate and the likelihood was that he would have recurring episodes of facet joint arthritis. Our member was advised to start thinking about changing his occupation from that of a Firefighter.

This diagnosis was made known to the BMO.

Our member remained off work and was seen regularly by the BMO. In September 1999 the BMO identified that our member was certainly unfit to return to work but was improving and that it might be possible to consider "other duties" when next reviewed.

On 21st February 2000 the BMO wrote to our member's GP acknowledging that our member would like to be considered for ill health retirement. He said that our member had to be permanently incapable of all duties and that, in his view, our member could probably manage to do work of a semi-sedentary or sedentary nature.

Consideration was given to non-operational duties on a daily nine to five basis. However, our member faced significant difficulties because his back condition was aggravated by his 45 mile drive to work.

In April 2000 our member was examined by another Consultant Orthopaedic Surgeon who reported that our member would never be fit to return to work as an operational Firefighter. This opinion was made known to the BMO who reported back to the Fire Authority that our member's condition was essentially unchanged and that he was not fit for any duties at the time being.

The BMO re-examined on 10th July 2000 and our member was told that he could work between the hours of 10.00am and 3.00pm, travelling to work by public transport. He reported to the Fire Authority that our member was fit for the time being for less arduous duties than full fire fighting duties, to exclude lifting more than 10kg, repetitive bending etc. Even though there was a divergence of opinion between the BMO and our member's GP the otherwise mandatory Grey Book procedure for resolution of such divergence was not employed by the Fire Authority.

On the same day of the examination, 10th July 2000, our member was ordered by the Chief Fire Officer to report for duty on 11th July 2000. Our member did so and was given duties at Fire Brigade Headquarters.

Our member encountered serious problems as a result of the extra burden of travelling to work. He was taking medication up to the maximum allowable.

On 22nd July 2000 our member wrote to the Chief Fire Officer to the effect that the consensus of opinion was that he would never work again as an operational Firefighter. He claimed the right to retire with a pension in the light of the case of *ex parte Lockwood and McCallman* in the Court of Appeal. The following day he met with a Station Officer. He was told that he would not receive any documentation indicating that he would never return to operational duties, that he had been given the career move recommended by his doctors and that his only options were to resign, to continue working on new duties or to go sick and take the consequences.

On 24th July our member was examined by another Brigade Medical Officer. Our member says that he was advised orally that he would never be operationally fit again. This was disputed by the BMO although he did record that our member "might never be fully operational but would probably be able to do more than at present". The BMO reported that whether our member would ever be fit enough to be fully operational remained open at the "relatively early stage". Our member was ordered by the CFO that he was fit for other duties only and to carry on reporting for light duties. With regard to the request for medical retirement, our member was told that he was still a regular Firefighter and might be required to engage in operational duties.

It is relevant that neither Brigade Medical Officer asked the question would our member probably not be operationally fit in the foreseeable future.

Our member continued in his duties albeit with some considerable difficulty. He complained that he was in intolerable pain.

On 21st August 2000 our member was asked to provide assistance in moving a desk in the office. He did so and strained his back. He went off sick. Whilst on sick his back improved. Our member undertook controlled exercises. His GP, Osteopath and Physiotherapists recommended him to keep active.

The response of Merseyside Fire Service to our member going off sick was to inform him that he was not entitled to contractual sick pay and that he would have to repay sickness payments that he had received. Furthermore, the Fire Service

commenced video surveillance of our member at his home which was designed to prove that he was malingering.

By this stage our Solicitors were instructed to act on our members behalf and sent copies of the Consultant Orthopaedic Surgeons report to the CFO. They formally requested a reconsideration under Rule H3(10) of our members claim to be entitled to an ill health award.

Our members GP continued to sign him off sick even though the Brigade Medical Officer said that he was fit for other duties. There was no referral to the Board of Medical Referees as the Fire Service was obliged to do under the Grey Book.

In November 2000 our member was notified that he was under investigation under the Discipline Regulations following a complaint that he undertook a task on duty (lifting the desk) contrary to occupational health advice to refrain from lifting.

In March 2001 our member was charged with an offence of disobedience to orders for lifting the desk.

On 12th April 2001, the CFO heard the disciplinary charge against our member, found it proven and dismissed our member with effect from 3rd May 2001. An appeal was submitted to the Disciplinary Tribunal.

There was considerable delay on the part of the Fire Authority to list the pension claim for reconsideration. The Fire Authority initially insisted that the disciplinary appeal hearing should be heard before the reconsideration hearing. Our Solicitors challenged their approach and after lengthy correspondence the Fire Authority changed its mind and the reconsideration was listed for 23rd April 2002.

By that stage, further medical reports had been obtained by the Fire Authority commenting on the video of our member. The prejudicial effect of the video surveillance was apparent because the doctors then raised questions of our member's credibility. The Appeals Committee upheld the original decision to refuse our member an ill health retirement pension.

On 26th September 2002, our member appealed to the Crown Court. The main contentions put forward on behalf of our member was that he had been retired with effect from 11th July 2000 and was entitled to an ill health pension backdated until then. This was on the basis that he was

permanently disabled from operational duty and had been ordered back to non-operational duty on 10th July 2000. Alternatively, it was contended that our member was retired on 25th July 2000 when he was advised orally by the Brigade Medical Officer that he would never be an operational Firefighter again. Alternatively, it was submitted that our member was at some time after those dates permanently disabled and that the question of his retirement should be reconsidered.

It was submitted that the question of permanent disablement had arisen at the time of our member's letter to the CFO of the 22nd July 2000 when the medical officer knew that our member wished to be medically retired and informed management of that. The Fire Authority was obliged to properly address the permanent disablement question and could not avoid it.

It was submitted that the Chief Fire Officer's decision on 10th July 2000 to place our member on indefinite "other duties" was effectively a decision as to permanent disablement for firefighting.

The Fire Authority lodged a response which included a submission that the appeal to Crown Court had been made out of time and that no extension of time should be given.

Our member's case came before the Crown Court on the preliminary issue of the time limit on 23rd June 2002. The Crown Court found in our member's favour on this issue and took into account the delays caused by the Fire Authority.

Two important points of principle arose from the judgement on the preliminary issue:

- a) An appeal to the Crown Court can be made without grounds and the grounds can then be filed later;
- b) The Judge upheld Burton J in the Lockwood and McCallman cases and held that the Crown Court does have jurisdiction for dealing with medical issues.

Our member's case then proceeded to a further hearing before the Crown Court on the substantive issue.

Our Solicitors arranged for the two Brigade medical officers to attend the hearing, and for the video recording to be shown to the Court.

The question of the video evidence was met head on. The Court was invited to view the video recording and it was shown in Court. It showed our member engaging in a number of activities outside his home: mowing the lawn, cleaning windows and tidying up the garden. It showed our member doing nothing that he had said that he was unfit to do. It was submitted that our member was an honest man who had fallen victim to the prejudicial effect of having been subject to covert surveillance.

On the morning of the second day of the appeal hearing, the Fire Authority's lawyers made certain proposals which culminated in the settlement.

The precise figures, as to the pension that our member will be entitled to, have not yet been calculated. However, they will be based on the pay of a Firefighter with 15 years service who retired in 2002 on ill health grounds. It will be backdated to 4th October 2002.

At the time that our Solicitor was initially instructed, our members case was one of a number of cases for Merseyside Firefighters who had been refused ill health retirement by the CFO, Mr Saunders. Those cases were concluded successfully at the reconsideration stage although, in at least one of those cases, it was necessary to commence an appeal in the Crown Court before the Fire Authority referred the case for reconsideration. Our member's case was by far the most difficult of the cases because of the problems with the medical evidence and the prejudicial effect of the video.

The Union would like to thank Matthew Tollitt of Thompsons Solicitors for all his work achieving such a satisfactory outcome for our member.

Section

Internal Administration

78 Cleveland Control Dispute

In the early part of 2002, Cleveland FBU members were balloted over the proposed re-location of Fire Control to Ladgate Lane. The ballot was won and this culminated in the Fire Authority agreeing the following:

“Cleveland Fire Authority has withdrawn its existing proposals to transfer the Fire Control to the Ladgate Lane shared control facility. The Fire Authority will now work in partnership with the FBU to test appropriate fire control systems that meet the needs of the people of Cleveland”.

The Membership remains vigilant and is continuing to put pressure on the Fire Authority to stick to its commitment.

79 Somerset Dispute 2002

A formal dispute was registered by the FBU with Somerset Fire Authority over the Brigade's attempt to introduce an “informal discipline procedure” which would result in members being issued “written

warnings/cautions” by managers acting outwith the Fire Service Discipline Regulations.

The FBU received written evidence from Thompsons Solicitors which showed that this procedure would be “ultra vires” in that a document could not be introduced which would in effect replace sections of a document with legal standing, (The Fire Service Discipline Regulations), which already had procedures in place to deal with “informal” aspects of discipline. Following a dispute hearing with the CFO it was acknowledged by the Fire Authority that the legal advice and evidence put forward by the FBU was relevant and resulted in management suspending the introduction of the procedure.

80 West Sussex Capability Dispute

The Executive Council have received reports on a dispute between the Union and West Sussex County Council. The dispute centred on the dismissal of an Emergency Fire Control Operator on the grounds of capability.

Our member had been on continuous sick leave for ten months with a previous history of sick leave for the same condition. In September 2002, she was dismissed by a Management Panel on the grounds of capability. She was seven months pregnant at this time. On the

day of the Appeal before West Sussex County Council a National Rally took place in Chichester in support of our member. Although represented by Thompsons, unfortunately the Appeals Panel did not find in her favour.

The Union then registered a Dispute and following a meeting with the CFO, our members' contract was extended to allow further discussions to take place. The Joint Secretaries of the NJC held a conciliation meeting with the County Council in January 2003, where it was agreed to further extend her contract to allow for an Independent Consultants report to be forwarded to the County Council. This report did not assist our members' case in her appeal to the County Council and she subsequently left the Service on the 31st March 2003.

81 Wiltshire Control Dispute

The Wiltshire amalgamation of Controls was launched in December 1998. From the very first day the members in Wiltshire voiced their concerns and objections to this project on the grounds of health, safety and welfare of Emergency Fire Control Staff, Firefighters and the safety of the public.

Unfortunately the management and the Fire Authority of Wiltshire ignored these concerns and objections even when there was evidence to the contrary. A visit to a joint Police, Ambulance and Fire Control in the Netherlands showed quite clearly that joint control rooms didn't work. Emergency Fire Control Room Staff urged Wiltshire management not to make the same mistake their management had. By amalgamating the emergency services together, the service to the public from the Fire Service had deteriorated. This information was completely disregarded.

Five years of very hard campaigning by Branch, Brigade, Regional and National Officials (every National Officer visited Wiltshire during the five years), culminated in a ballot for industrial action in April 2003. This was the first ever local ballot in Wiltshire and resulted in a tremendous victory for the members, with a vote of 57.8% for strike action. Following this ballot, the management started to listen to our concerns and a nine point dispute agreement was reached.

At time of writing, Wiltshire Emergency Fire Control Staff have yet to move into the joint control centre. Why? The tri-service mobilising system which had to be

designed and built for this project is unable to mobilise fire appliances to the same standard of the currently used, tried and tested Fire Service mobilising system.

82 B&EMM Report

The beginning of the B&EMM year has symbolically started with the end of the B&EMM School and the arrival of the B&EMM AGM. In 2002 however the AGM which was due to take place on November 22nd at Wortley Hall was cancelled due to the National pay dispute and the industrial action.

23rd November 2002

One of B&EMM's basic tenets is to bring awareness to the FBU of issues in the Minority Ethnic community that can directly or indirectly affect anyone, but especially B&EMM. These issues have a clear potential to affect our members in the work place. It is also incumbent on us to give support to the community where it is ethically, socially and morally correct.

One such issue is the justice for families campaign. This is a campaign for those families who have lost loved ones who have died under mysterious circumstances while in police custody. One of these families is the Sylvester family whose loved one Roger died in police custody in 1999.

On the 23rd November B&EMM along with other FBU Officials joined a Rally and March from Trafalgar Square to Downing Street in protest at the failure by the authorities to find and prosecute any police officer at any time for the many deaths dating back over forty years. At this rally outside Downing Street B&EMM were asked to address the protesters, which we duly did, also taking the opportunity to update everyone there on the current state of the pay dispute.

6th December 2002

Due to the cancellation of the B&EMM AGM the National Committee held a meeting at the Union Head Quarters in Kingston where we discussed and chose three motions that would be submitted for inclusion to Annual Conference 2003. This was to be the first time any of the Sectional groups were going to have the privilege of moving resolutions at Conference, hence the importance of choosing the motions.

11th January 2003

With the impending invasion of Iraq and the globally increasing unrest to the situation, a large number of

meetings had been arranged nationally. One such meeting took place in the Camden Centre, Euston, London where B&EMM were asked to give a presentation. The meeting was organised by the Coalition Against The War where it was standing room only. The B&EMM National Secretary Carl St Paul gave the presentation which was very warmly received. Once again an update on the pay campaign was given which resulted in extra applause in support of the FBU. National and International press were in attendance which gave added impetus to the meeting and the integral part played by B&EMM.

On this same day there was a vigil outside Tottenham police station in London for the Sylvester Family Campaign. This was the police station where the officers originated from who were directly involved with the arrest of Roger Sylvester B&EMM took part in this vigil and it was a very long day for some.

21st January 2003

Following the presentation at the Camden Centre, B&EMM were once again asked to give another presentation this time at The House Of Commons. We spoke in two packed out halls giving a mix of national and international political views. This was indeed a proud moment for us.

8th February 2003

The FBU are affiliated to the Anti Nazi League, where we have two seats on the National Steering Committee. B&EMM has one of those seats and were asked to sit on a panel at the ANL AGM, which took place in Manchester. The event was well attended with two Officials from Region 7 attending. It would be of benefit to the FBU if we could have more Officials attend this event as the FBU are held in high esteem by the ANL and associated organisations.

14th February 2003

St Valentine's Day saw B&EMM invited to the GLA building in London the Head Quarters for the Mayor of London Ken Livingstone for a reception for the following day's Against The War march in London. At this reception were two very important special guests in Kenneth Kwanda and Jessie Jackson. To mix with such dignitaries was a pleasure indeed.

15th February 2003

Along with about two million other people B&EMM took part in the massive Anti War protest march through central London to Hyde Park. We were joined by many other FBU members from around the country and were all proud to register our disgust to the outrageous imperialism being exercised by the British and American Governments. We had hoped to unveil our banner at this event but unfortunately for various reasons this was not possible.

27th February 2003

This was quite probably the most important date for B&EMM in 2003.

Following the publication of the Bain Review it became painfully obvious that the Race and Gender card had been used to further certain agendas. This of course was patently wrong and had to be publicly challenged. B&EMM therefore organised a public open forum at Portcullis House in Westminster the home of the MP's. We gave an open invitation to all Black organisations from around the country and had healthy responses. The event was also supported by a number of MP's who gave assistance to organising the event. A professional comprehensive and excellently written presentation was put together by three B&EMM who were not from the National Committee: Patrick Golbourne, Chris Dorgu and Daniel Alie. The Women's Action Committee from London also gave a good presentation which sparked off an afternoon of great debate. This type of activity is clearly an area of work we need to establish.

11th – 13th April 2003

This was the weekend of the Black Workers Conference, which took place in Liverpool at the Adelphi Theatre. It was a conference of significance for the FBU and B&EMM as our very own Garrett Brooks from London co-chaired the event and was inspirational to the B&EMM delegates and indeed others who have come to know and respect him. For this reason it was also the first time that the FBU also hosted a special reception to honour the occasion. The weekend was a great success culminating with Garrett giving the closing address and leading the whole conference in a moment of reflection and respect to the thousands of slaves (if not millions) who were brought to England and had indeed set foot (if still alive) on the dockland port of Liverpool. Garrett has since received a letter from the TUC thanking him for his services to the Race Relations Committee and his performance at the conference.

26th April 2003

The Anti Nazi League in partnership with Unison organised an Anti Racist rally in Manchester which was attended by a number of B&EMM nationwide along with other FBU Officials and thousands of fellow protestors.

The event was very professionally videoed by Lud Ramsey and Simon Green both from Region 13. This is mentioned because it is the intention of B&EMM to record other events and give more of an account of ourselves to FBU members and the wider trade union movement as well as other outside agencies.

As for the conference, the B&EMM E C Member Michael Nicholas had been asked to give a speech which he did to great affect that has been caught on camera.

21st June 2003

In London B&EMM have been asked by the Mayor's office to join the Steering Committee for a Black Public Sector Workers Network. This we have done and it led to B&EMM being requested to sit on a panel taking answers and questions from a packed London Business Centre on Black issues facing Black Londoners. It is imperative for B&EMM to have a high profile at these events as they not only give the Union a healthy exposure in the public domain but also advertises the fact that there is a visible Minority Ethnic presence in the British Fire Service.

17th July 2003

In the wake of the new modernisation agenda, the National Fairness at Work Committee appointed a Strategy Committee of which B&EMM were represented. The objective was to propose amendments to the Fairness At Work section of the Grey book. B&EMM have proposed challenging amendments such as:

The issue of facial hair with reference to Religion and Culture

Spoilt Meals for those members coming off fasting

Paid Extended Leave for members visiting family from far distant countries

Prayer Rooms at Fire Service establishments, especially where requested

20th July 2003

One of the most eagerly awaited TUC events of the year is the Respect Festival, which is a free event in celebration of racial diversity in the United Kingdom. This year it was held in the Dome to mark the tenth anniversary of the murder of Stephen Lawrence in Greenwich the home of the Dome. The message was that ten years later the racists have not won, as people of all different races should be able to go wherever they like without feeling there is a colour bar.

The FBU had a fair number of volunteers, including of course B&EMM. All the volunteers worked incredibly hard over the weekend of the festival by organising and staffing both a stall and a Fire Appliance. Racial harmony was abundant, as it should be.

Well done and thank you to all who volunteered and toiled very hard at this weekend. Once again this event was recorded and is available for viewing.

19th – 21st September 2003

It is not widely publicised that there are two Black TUC conferences: one in England and one in Scotland.

The Scottish Black Workers Conference took place in Glasgow and was attended by three delegates from south of the border. It is hoped that very soon we will have B&EMM in Scotland representing Region 1. This may well be sooner rather than later. The conference itself was also workshop-based, which was very helpful as it allowed for all the delegates to have direct input to the event.

3rd October 2003

After what seemed like a lifetime of campaigning, the Coroner's Inquest into the death of Roger Sylvester found in favour of the family. Roger's death was found to be unlawful killing. The eight officers involved were all immediately suspended from duty. The Sylvester family has expressed their heart felt gratitude to B&EMM and the FBU for our continued support and also for having them as our special guests in 2001 at Wortley Hall. Their struggle for justice is still not over and we will continue to support them all the way.

10th – 12th October 2003

The B&EMM School was a total "sell out" in terms of applicants. We had two special guests from America: Gerald Simon and Curtis Moffatt both of whom are Black American Fire Chiefs and were inspiring to our weekend, especially in terms of personal development and progression in the Fire Service. An especially moving session of the school was the Tribute session to those members who over the last year and beyond have had an achievement be it personal or generic. This generated much emotion and pride and typified the whole weekend. A full report will be produced imminently.

83 B&EMM Annual General Meeting

The Annual General Meeting of B&EMM Representatives was held at Wortley Hall on 20TH NOVEMBER 2003. The meeting agreed the following resolutions:

1. RACE EQUALITY SCHEMES

This B&EMM Annual General Meeting calls upon the FBU to ensure that full consultation and agreement in relation to race equality schemes that take place within the FBU, includes B&EMM.

REGION 7

2. THEMATIC REVIEW

The thematic review of the Fire Service and Race Relations Amendment Act were two major policies "imposed" by the UK Government on the Fire Service. Adequate funding and training of key personnel should be given to all UK Fire Services and Brigades expected to deliver its contents.

REGION 13

84 Confidential Helpline

The Confidential Helpline continues to be available to our members and officials. However, due to the workloads associated with the pay campaign, the Union was not able to relaunch it in the years covered in this report, as originally planned.

85 Control Staff National Committee Report

We are going through an uncertain time. Few of us probably thought we would find ourselves in this situation when everything appeared to be in place. Yet some members were not convinced. But that's democracy and that's the FBU.

As Emergency Fire Control Staff we know that every day gives us new obstacles, we work around them, face them and move on to the next challenge and as we are only too aware we will have quite a few of them coming our way.

We are realistic people, we as Control Staff do live in the real world. The ODPM has been told many times. We most certainly have modernised over the past 25 years. We modernise every single day. This is not the same Fire Service it was.

Let's face it, the Government certainly didn't know what we did then and strangely enough we had to explain to our Employers what Control Staff and Controls actually do now. It has to be said that we are not convinced that the ODPM has grasped everything. Control staff, stay the course.

We haven't got pay parity with our comrade Firefighters. Employers seemed to have the opinion 92% was a Control Operator's worth, a bit like Scrooge at Christmas "be grateful your getting that". Control Staff are certainly worth more than 95% of a Firefighters pay, not taking anything away from our comrades.

But if you look at the "individual job of an Emergency Fire Control Operator" and took it on its own merit then we're worth every penny and more. Control Staff have always given that bit extra. We always go that extra mile. We put it all together so it works. But only 95% worth, they say. The other question on every Emergency Control Operator's lips is, but when?

Resolutions are still being put to the CSNC AGM that have been around for many years. That shows how concerned and determined we are, whether it be pensions, retirement age, H & S issues, RSI or hearing. The pay campaign has taken a lot of time and effort for our members.

There has been a lot of good hard work done by our sisters and brothers. The Control Staff National Committee have been just as busy, like most, it's been very difficult to get time off for meetings, conferences and to complete work. The Committee are and have been involved in Brigades Best Value, White Paper, H & S, FAW and preparing evidence for the pay campaign. We involve ourselves in the other Sections' and Committees' Schools.

We still have to face New Dimensions, but so does the ODPM. At a recent Regional Principal Control Officers level meeting they discussed BA, Inner Cordons and custard cream biscuits, so we can see how serious they view this subject. When it's passed down to you don't forget 95%.

IRMP's: Common sense approach if it's an FBU approach. As Control Staff we see the whole incident through. We start the safety side for the public and to the Firefighters and Officers and you must remember ourselves too. We're still there at the end. IRMPs are a nightmare for Brigades, and in an absolute nightmare they certainly will not get it right. If you get a chance to go on any of the FBU courses that are provided by the FBU IRPM's Dept. then try and take the time - you will find it beneficial.

IPDS: Another new favourite. It will give you a headache. But Brigades will be having a migraine. We automatically do our job, but when you have to think about exactly what you do you'll realise you are definitely worth more than 95%.

We know we will have a difficult time ahead. We know we can win. We have before. We will again. Be strong, stick together, be one.

86 Control Staff Members AGM

The Control National Sectional Committee Annual General Meeting was held on 18 November 2003. The meeting agreed the following resolutions.

1. FIREFIGHTERS PENSION SCHEME

This Annual General Meeting requests that any future proposals to merge Fire Control Pensions with 1972 Firefighters Pension Scheme, be put on hold until any changes to Firefighters Pension Scheme have been published and implemented.

REGION 7

2. RETIREMENT AGE

This Annual General Meeting recognises that Control Staff have a very responsible and stressful job and calls on the Executive Council to negotiate with our Employers that we achieve parity of retirement age with Firefighters, this to be by reduction of retirement age for Control Staff and not to be detrimental to Firefighters' existing conditions.

REGION 3
AMENDED BY REGION 1

3. CONTROL ROOMS – HEALTH AND SAFETY REVIEW

This Annual General Meeting demands that the Executive Council set up a working group to review all equipment and working practices in Control Rooms, in order to reduce and prevent injuries to Control members.

REGION 4

4. CAPABILITY

This Annual General Meeting deplores the actions of Fire Authorities to dismiss Control Staff through capability. We urge all Control Staff members to support whatever action is necessary to stop such dismissals.

REGION 4

7. JOINT CONTROL ROOMS

This Annual General Meeting reaffirms the FBU policy on opposition to the introduction of Joint Service/Authority Control Rooms.

REGION 4

8. FIRE CONTROL ROOM MERGERS

This Annual General Meeting demands that the Executive Council continues with every means necessary the fight to prevent Control Room mergers with other Emergency Services and other Emergency Fire Control Rooms.

REGION 1

87 Union Diaries

The FBU diaries for 2002 and 2003 were produced in a variety of colours in a new 'Executive' design.

88 Executive Council Attendance Record 2002

	Poss.	Act.	Reasons for non-attendance
Mick Harper (President)	19	18	1 Annual Leave
Ruth Winters (meetings as President)	42 (23)	42 (23)	
Andy Gilchrist (General Secretary)	42	42	
Mike Fordham (Assistant General Secretary)	42	31	8 Compassionate 3 Other Union Business
John McDonald	29	29	
Jim Barbour	42	38	1 Annual Leave 3 Other Union Business
Glyn Davies	6	3	3 Sick Leave
Alan McLean	35	35	
Jeff Leighton	42	38	2 Sick Leave 1 Compassionate Leave 1 Family Leave
Phil Micallef	42	41	1 Annual Leave
Dave Green	42	39	2 Annual Leave 1 Other Union Business
Dave Whatton	42	38	3 Annual Leave 1 Other Union Business
Mike Smith	42	38	4 Annual Leave
Pete Skinley	42	40	2 Annual Leave
Keith Handscomb	42	40	1 Annual Leave 1 Family Leave
Mick Shaw	41	40	1 Annual Leave
Ernie Thornton	42	31	4 Annual Leave 3 Family Leave 4 Paternity
Steve Paine	42	4	38 Sick Leave
Pete Miller (Acting)	33	26	6 Annual Leave 1 Family Leave
Brian Joyce	42	41	1 Annual Leave
Jack Ford	42	41	1 Other Union Business
Morris Butterfield	42	40	1 Other Union Business 1 TU Leave Difficulties
Micky Nicholas	37	35	1 Annual Leave 1 Family Leave

	Poss.	Act.	Reasons for non-attendance
Val Salmon	25	20	2 Other Union Business 3 TU Leave Difficulties
Vicky Knight	42	36	3 Annual Leave 2 Maternity Leave 1 Personal
National Officers			
Geoff Ellis	42	39	1 Annual Leave 2 Other Union Business
John McGhee	42	39	1 Annual Leave 2 Other Union Business
Dave Patton	42	35	6 Other Union Business 1 Family Leave
Mike Lawson	42	31	2 Annual Leave 8 Other Union Business 1 Family Leave

89 Executive Council Attendance Record 2003

	Poss.	Act.	Reasons for non-attendance
Ruth Winters (President)	43	41	2 Annual Leave
Andy Gilchrist (General Secretary)	43	41	2 Other Union Business
Mike Fordham (Assistant General Secretary)	43	34	4 Annual Leave 5 Other Union Business
John McDonald	43	37	4 Annual Leave 1 Other Union Business 1 Travel Difficulties
Jim Barbour	43	39	3 Annual Leave 1 Other Union Business
Alan McLean	43	43	
Jeff Leighton	43	22	21 Sick Leave
Bob Blackburn (Acting)	9	9	
Phil Micallef	43	39	3 Sick Leave 1 Other Union Business
Dave Green	43	40	3 Annual Leave
Dave Whatton	43	39	1 Annual Leave 1 Other Union Business 1 Sick Leave 1 Family Leave
Mike Smith	43	32	7 Annual Leave 3 Other Union Business 1 Family Leave
Pete Skinley	43	39	3 Annual Leave 1 Other Union Business
Keith Handscomb	43	24	2 Annual Leave 15 Sick Leave 2 Family Leave
Graham Tranquada (Acting)	9	9	

	Poss.	Act.	Reasons for non-attendance
Mick Shaw	43	42	1 Annual Leave
Ernie Thornton	43	37	1 Other Union Business 5 Sick Leave
Steve Paine	26	0	26 Sick Leave
Pete Miller (Acting)	39	38	1 Personal
Brian Joyce	43	38	4 Annual Leave 1 Sick Leave
Jack Ford	43	36	5 Annual Leave 1 Travel Difficulties 1 Other Union Business
Morris Butterfield	43	42	1 Annual Leave
Micky Nicholas	43	38	1 Annual Leave 1 Other Union Business 1 Family Leave 2 Jury Service
Val Salmon	43	37	1 Travel Difficulties 2 Other Union Business 3 TU Leave Difficulties
Vicky Knight	43	25	2 Annual Leave 16 Maternity Leave
National Officers			
Geoff Ellis	42	33	1 Annual Leave 6 Other Union Business 2 Sick Leave
John McGhee	43	35	3 Annual Leave 5 Other Union Business
Dave Patton	43	34	3 Annual Leave 6 Other Union Business
Mike Lawson	42	34	1 Annual Leave 4 Other Union Business 3 Sick Leave

90 Elections

Election of President

Sis Ruth Winters elected President July 2002, two other candidates declined to accept nomination. A historic moment for the Fire Brigades Union as Ruth is the first woman President within the Union.

Executive Council Members

Sis Vicky Knight historically elected, unopposed as the first Women's Executive Council Member January 2002.

Bro Micky Nicholas historically elected, unopposed after one other candidate declined to accept nomination, as the first B&EMM Executive Council Member March 2002.

Bro Alan McLean elected unopposed as Executive Council Member for Region 3 April 2002.

Election of Executive Council Member Region 1

Number of ballot papers issued	7,001
Number of ballot papers returned	2,721
Number of ballot papers found to be invalid (blank/spoilt)	8
Thus, total number of valid papers to be counted	2,713

Result (One to Elect)

John McDONALD	1,430
Roddy ROBERTSON	1,283

*Certified by ELECTORAL REFORM BALLOT
SERVICES MONDAY 2 JULY 2002*

Bro JOHN McDONALD elected Executive
Council Member Region 1.

Election of Executive Council Member Region 11

Number of ballot papers issued	6,011
Number of ballot papers returned	2,539
Number of ballot papers found to be invalid (blank/spoilt)	4
Thus, total number of valid ballot papers to be counted	2,535

Result (One to Elect)

Mick SHAW	1,270
Matt WRACK	1,265

*Certified by: ELECTORAL REFORM BALLOT SERVICES
15 JULY 2002*

Bro MICK SHAW re-elected Executive Council Member
Region 11.

Bro JIM BARBOUR re-elected unopposed July 2002
Region 2.

Sis VAL SALMON elected unopposed as Control Staff
Executive Council Member September 2002.

Bro DAVE GREEN re-elected unopposed December 2003
Region 6.

Bro ERNIE THORNTON re-elected unopposed
December 2003 Region 12.

Bro MIKE SMITH re-elected unopposed after one other
candidate declined to accept nomination December 2003
Region 8.

Bro D MILLS elected unopposed, the only other
candidate declined to accept nomination, December
2003 Region 13.

Election of National Officer

Number of voting papers returned	17,449
Number of papers found to be invalid (blank/spoilt)	261
Number of papers found to be invalid(missing/incorrect return)	4,289
Thus, total number of valid papers to be counted	12,899
Number of candidates to elect.....	1

Result (One to Elect)

Paul WOOLSTENHOLMES	6,671 (51.7%)
Mike LAWSON	4,721 (36.6%)
Bob POUNDER	1,507 (11.7%)

*Certified by: ELECTORAL REFORM BALLOT
SERVICES 16 DECEMBER 2003*

Bro PAUL WOOLSTENHOLMES elected National
Officer.

Election of Regional Official

Bro RONNIE COSTELLO elected unopposed
December 2003 Region 1.

Regional Chairs

Region 10

Bro GRAHAM TRANQUADA re-elected unopposed
April 2002.

Region 12

Bro IAN WRIGHT re-elected unopposed.

Region 8

Number of ballot papers returned	1,250
Number of ballot papers found to be invalid (blank/spoilt)	6

Number of ballot papers found to be invalid (no return submitted) 45

Number of papers found to be invalid (out of range on return) 12

Thus, total number of valid ballot papers to be counted 1,187

Result (One to Elect)

Bob ALLEN 687

John PURSER 247

Caroline WILLIAMS 253

Certified by: ELECTORAL REFORM BALLOT SERVICES 1 JULY 2002

Bro BOB ALLEN elected Regional Chair.

Region 6

Bro ANDY BRICKLES elected unopposed October 2002.

Region 2

Bro JIM QUINN elected unopposed June 2003.

Region 3.

Bro ALAN BLACKLEE elected unopposed December 2003.

Regional Secretaries

Region 6

Bro DAVE LIMER elected unopposed April 2002.

Region 14

Bro TAM McFARLANE elected unopposed October 2002.

Region 8

Number of voting papers returned 1,558

Number of ballot papers found to be invalid (blank/spoilt) 13

Number of papers found to be invalid (no return submitted) 142

Number of papers found to be invalid (out of range on return) 63

Thus, total number of valid ballot papers to be counted 1,340

Result (One to Elect)

Dick PEARSON 1,244

Clive PROTHEROE 96

Certified by: ELECTORAL REFORM BALLOT SERVICES 13 JANUARY 2003

Bro DICK PEARSON elected Regional Secretary January 2003.

Region 1

Number of voting papers returned 2,873

Number of ballot papers found to be invalid (blank/spoilt) 92

Number of papers found to be invalid (no return submitted) 412

Number of papers found to be invalid (out of range on return) 27

Thus, total number of valid ballot papers to be counted 2,342

Result (One to Elect)

Kenny ROSS 1,384

Linda SHANAHAN 958

Certified by: ELECTORAL REFORM BALLOT SERVICES 1 SEPTEMBER 2003.

Bro KENNY ROSS is elected Regional Secretary September 2003.

Regional Treasurers

Region 7

Bro CHRIS WOOD re-elected unopposed April 2002.

Region 14

Bro STEVE BENNEY re-elected unopposed April 2002.

Region 2

Bro STEPHEN BOYD elected unopposed October 2002.

Region 3

Bro STEVE HEDLEY elected unopposed, one other candidate declined to accept nomination, November 2002.

Region 4

Bro MICK HEADON elected unopposed June 2003.

Region 10

BRO GRAHAM NOAKES elected unopposed June 2003.

Region 13

Number of voting papers returned 910

Number of ballot papers found to be invalid(blank/spoilt) 11

Number of papers found to be invalid (no return submitted) 206

Number of papers found to be invalid (out of range on return) 25

Thus, total number of valid ballot papers to be counted668

Result (One to Elect)

Davy DYMOND 433

Conrad (Joe) JORDAN 235

*Certified by: **ELECTORAL REFORM BALLOT SERVICES 1 SEPTEMBER 2003***

Bro DAVE DYMOND elected Regional Treasurer September 2003.

Region 14

Sis VAL HAMPSHIRE elected unopposed December 2003.

Election of Control Staff Secretary

Sis SUE OFFLAND elected unopposed April 2003.

Election of Officers' Secretary

Bro DAVE BEVERLEY elected unopposed April 2003.

Election of National Retained Secretary

Sis HELEN HILL elected unopposed April 2003.

Election of National Women's Secretary**Nominating Brigades**

Region 1	Strathclyde
Region 4	South Yorkshire
Region 7	Staffordshire
Region 9	Cheshire
Region 10	Cambridgeshire
	Essex
Region 14	Cornwall
	Gloucestershire
	Somerset

Sis KERRY BAIGENT elected unopposed April 2003.

Control Staff Chair

Bro JOHN WHITAKER elected unopposed December 2003.

B&EMM Secretary

Bro CARL ST PAUL elected unopposed December 2003.

Women's Chair

Sis DONA FELTHAM elected unopposed December 2003.

Retained Chair

Bro HARRY COTTER elected unopposed December 2003.

91 Executive Council

Meetings 2002

19 February
 20 February
 21 February
 26 February
 17 April
 18 April
 25 April
 12 May
 22 May
 28 May
 10 June
 12 June
 01 July
 11 July
 18 July
 23 July
 30 July
 02 September
 03 September
 11 September
 17 September
 18 September
 19 September
 17 October
 18 October
 23 October
 24 October
 25 October
 26 October
 30 October
 31 October
 04 November
 05 November
 12 November
 18 November
 21 November
 22 November
 28 November
 02 December
 10 December
 11 December

92 Executive Council

Meetings 2003

16 January
 17 January
 20 January
 27 January
 03 February
 04 February
 12 February
 19 February
 21 February
 26 February
 06 March
 11 March
 12 March
 18 March
 26 March
 03 April
 07 April
 11 April
 29 April
 15 May
 20 May
 03 June
 11 June
 12 June
 08 July
 09 July
 15 July
 16 July
 29 July
 27 August
 28 August
 16 September
 17 September
 13 October
 20 October
 21 October
 03 November
 06 November
 10 November
 11 November
 12 November
 28 November
 11 December

93 Final Appeals Committee

In accordance with the Rules of the Union, one Official from each Region was appointed by the 2002 Annual Conference to serve on the Final Appeals Committee.

- Region 1** – Brother A. Munro
Region 2 – Brother A. Maguire
Region 3 – Brother Tommy Turnbull
Region 4 – Brother M. Peel
Region 5 – Brother W. Gee
Region 6 – Brother D. Limer
Region 7 – Brother C. Wood
Region 8 – Brother S. Jenkins
Region 9 – Brother N. Thompson
Region 10 – Brother G. Tranquada
Region 11 – Brother J. MacVeigh
Region 12 – Brother G. Fowler
Region 13 – Brother P. Miller
Region 14 – Brother Bernie Beachgood

The Final Appeals Committee heard one Appeal in 2003 and none in 2002.

As part of the ongoing Equality changes within the Union, all Regions and Sections will be represented on the Final Appeals Committee following Conference 2004.

94 Fairness at Work

Following the 2001/2002 Equality Review a number of Policy/Rule changes were agreed at Annual Conference 2002. Due to the National Pay dispute the process of rewriting of the All Different All Equal (ADAE) policy document was held up.

The Fairness at Work Strategy Group was re-formed in July 2003, consisting of Bro. Phil Micallef Vice President (Chair), Bro. Geoff Ellis National Officer (Secretary), Sister Kerry Baigent (NWC), Bro. Tam McFarlane (R14), Bro. Stewart Brown (G&L) and Bro. Carl St. Paul (B&EMM).

The Strategy Group's first task was to write a new Fairness at Work section for the Grey Book as well as, in conjunction with the NWC, a revised National Maternity Policy and Statement of Commitment on Family Friendly working arrangements.

In 2002 Executive Council Members representing Women and Black and Ethnic Minority Members were elected for the first time in the FBU. The Executive Council wishes to place on record their congratulations to Sister Vicky Knight and Brother Michael Nicholas on their historic appointment to these new posts.

The following table shows the number of members who have applied for representation under our Representation Policy and the number of times representation was withheld during 2002/2003.

	Requests for Represent- ation	Granted	Not Granted	Appeals Rejected	Appeals Upheld
Region 1					
Region 2	3	2	1		
Region 3	1		1		
Region 4					
Region 5					
Region 6	2	2			
Region 7	5	3	1		
Region 8	2	1	1		
Region 9					
Region 10	23	13	1		
Region 11	4	2			
Region 12	6	2			
Region 13					
Region 14	6	1	5	–	4
Total	52	26	10	–	4

NB Where numbers do not add up across the columns for certain Regions, this is due to either members withdrawing that request for representation or investigations which were still continuing/outstanding when we went to print.

95 FBU Web Site

The FBU web site (www.fbu.org.uk) was found to be a crucial tool during the National Pay dispute.

The Executive Council would like to place on record their thanks to Brothers Eddie Cardoso and Stuart Brown for their excellent work on the site throughout 2002/03.

96 Firefighter

The Firefighter is the political journal of the Fire Brigades Union.

There were six issues of the Firefighter journal produced in 2002 (two of which were Pay Special Issues) and four issues produced in 2003.

The Executive Council agreed to produce a regular Firefighter Bulletin before, during and after the National Pay dispute. A total of 13 Pre-strike Bulletins and 74 Official Strike Bulletins were produced in 2002/2003. 13 Official Bulletins were produced in 2003.

The production of the full Firefighter journal was suspended during the dispute and as such the Annual Firefighter reps meeting was cancelled in 2003.

97 Firefighters Memorial Charitable Trust

At its meeting of 17 – 20th September 2002, the Executive Council agreed a donation of £1000 to the above as a contribution to the additional costs involved in updating the names of Firefighters killed or fatally injured on duty during peacetime.

98 National Gay and Lesbian Committee Report

Our role, within what would turn out to be a roller coaster of an industrial dispute, was very limited as a group.

But at grassroots level we had an important input, along with the wider membership.

Since most of the Regional reps and Officials time and work was swallowed up by the campaign, it was really quite a difficult year in which to progress a lot of Section related issues. However, our battles within the LGBT community really have been at the forefront and the group has been keen to be involved at every level.

HIV/Aids

Our work after each AGM really starts with World Aids Day on December 1 each year and we continue to be closely involved with such an important issue. We have over the years been closely linked to many organisations who deal with HIV/Aids.

For instance, the National Aids Trust are keen to develop a strategy with the help of the group for raising awareness. We welcome this challenge and will work closely at changing the way workers in the Fire Service view HIV/Aids, including the stigma and the discrimination that exists.

Every year we ask that the FBU nationally pays its respects to those individuals who have passed away or are infected and affected by this terrible disease by way of wearing the red ribbon up to and including December 1.

New legislation

The Employment Equality (Sexual Orientation) Regulations 2003 is the single most important piece of legislation affecting gay men and lesbians within the workplace ever.

The group got together and submitted evidence to the DTI during the consultation period for the new Regulations. The new Regulations are available on the DTI's web page and will be available on the FBU's web site shortly.

The Regulations will make it illegal for an Employer to discriminate because of workers sexuality and that is great news. However, we are disappointed because of two exemptions.

The first, Section 7.3, allows Employers to discriminate if the employment is for the purposes of an organised religion - the FBU strongly opposes this Regulation. The second exemption, and the one that affects the membership of the FBU, is on occupational pensions and survivors benefits. It denies same-sex partners access to a benefit if the Employer specifies that this benefit is restricted to married partners only within its scheme, like our FPS.

Civil partnerships law

Another area where the group sought to submit evidence was that of the new framework that will give same sex partners the right to register their commitment to each other legally for the first time.

As you will probably be aware, it was announced in the Queens speech that a Bill would be introduced in the next session of Parliament. It is also in its consultation period in Scotland.

Pride

We are without doubt in a very good position within the Union when it comes to promoting the Union around the country at the various gay and lesbian Mardi-Gras and Pride events that take place each year.

Pride was throughout the industrial dispute a fantastic tool to raise public awareness of the campaign and at the same time promotes the group. 2003 was no different and we managed to get reps along to the main events around the UK. The three main events were London, Brighton and Manchester.

London, which is the first in the calendar, was without doubt heralded as a new beginning. This was because we finally, after a long fight, found ourselves in Hyde Park, central London, where the festival should have been from the start but for many insignificant reasons.

The event in the park was not as good as expected due to high costs and small space made available. But we took advantage of what we could within the TUC tent and along with other unions sold Union t-shirts for "RAFT", the children's charity for burns victims.

The main highlight of the day had to be our presence on the march with the fire engine that we had decorated with the rainbow colours. This coupled with Officials and reps from our Section and other Sections and brother Simon Green from Hampshire who was making a video diary for us, made for quite a spectacular day. The trade union movement, in particular, produced a fantastic turnout. Brighton took place three weeks later and this was probably one of the best days ever at a Pride event. We had most of the Committee in attendance and other comrades from the FBU were there with family and friends. We again marched with the fire engine on

the hottest day on record through the streets of Brighton to the park, where we dispersed and continued promoting the Union at the TUC joint stall.

At these two events and other ones we have attended over the years, the idea of having a rainbow-coloured fire engine to promote the union and the group is one of our ultimate aims. For it is a fantastic tool to use to raise awareness and the public simply love fire engines. Let's hope that the EC agree to keep one and paint it in rainbow colours for us.

Another event we chose this year was Manchester Euro-Pride, which was held alongside an equality event organised by the Local Government Association (LGA). It was attended by eight members of the group.

There was a very interesting conference on Employment Equality (Sexual Orientation) Regulations 2003 and keynote speakers included Ben Summerskill from Stonewall and Peter Tatchell from Outrage.

It was then on to the march on the Saturday and a joint venture between the Union and GMC Fire Service, who provided a fully crewed pump for the event and we marched beside them. This was another successful day and yet another chance for us to make the public aware that there really are gay, lesbian, bi-sexual and transgender- Firefighters and Control Staff.

Section 28

We finally saw off disgusting Section 28 after another long battle against three Conservative Governments and two Labour Governments. The House of Lords decided in September to finally take this off the statute books after being introduced by former Home Secretary Michael Howard.

Unfortunately delegates may be aware that Tory controlled Kent Council has introduced similar local legislation to stop the teaching of any homosexual educational material, so the fight continues!

TUC LGBT Conference and Committee

The 2003 conference was held on 24/5th July at Congress House in London. A total of 227 delegates attended from 36 affiliated unions, submitting 19 motions and three emergency motions covering a whole raft of issues affecting our community.

The FBU submitted a resolution on the issue of LGBT asylum seekers and this was seconded by TSSA, the transport salaried staff's association.

This and the other motions have been taken on by the TUC LGBT Committee, on which NGLC Secretary Stewart Brown sits, and we will be looking to progress all the motions from conference this year, keeping the Union updated on all these issues.

Guest speakers included Jaqui Smith, Minister responsible for Women and Equality. She was severely criticised by the delegation from the FBU after her comments that it was the FBU who continued to put up barriers when it came to equality. We are seeking an apology through the General Council.

At the end of the conference the new TUC Committee gathered and Stewart Brown will be proud to represent our members on that Committee along with 13 other unions.

TUC Congress

Following all the Sectional Conferences, the TUC Conference takes place each year in September and the FBU took along a delegation of eight as usual, including the three minority Sections.

We are allowed to take one motion from our own Conference to Congress. We took the motion on the Employment Equality (Sexual Orientation) Regulations 2003, and more specifically, the exemptions. This was passed unanimously. All other delegates spoke on many issues from the Fire Service White Paper to Iraq, Cuba and Arms Reduction.

Gay and lesbian school

We once again gathered at Wortley for our Annual School and comrades from ASLEF joined us in a joint venture, which we hope to continue.

The School was well attended and we covered many issues including Integrated Risk Management Plans (IRMPs), the new legislation and work-related issues from Fire Service issues to Rail issues from ASLEF. We also had a number of guests and our thanks go to them.

White Papers

As expected when we got involved with consultation with the White Papers for England and Wales, and the White Paper for Scotland, there were no surprises in respect of equality issues. The FBU had to raise the stakes when submitting evidence.

Remember, their idea of equality is accelerated promotion and multi-tier entry. If that's the answer to promotion of *equality* in the Fire Service, it's a bit naïve.

Executive council position

At this year's FBU Annual Conference delegates will decide on the future standing of the position for Executive Council Member for the Gay and Lesbian Section. This decision has to be ratified after the National Committee made the historic decision to take this issue forward. It did so having waited until the time was right. And that time has now come.

With this in mind, it is vital that we make sure our database for our members is up to date and we intend to embark soon on this mammoth task in conjunction with the FBU's IT contractor APT.

The AGM

Our Annual General Meeting 2003 at Wortley Hall saw a disappointing lack of initial motions submitted. But this can be put down to the drain on energies of the dispute. I hope next year we will have many more resolutions to discuss and debate.

And finally to Terry

We want to finish by paying tribute to Terry Richardson who without his vision and guidance we would probably not be here at this moment.

Terry was the father (or mother), whichever way you look at it, of the group. And we will be eternally grateful to him for his tireless work over the 10 years life of the group.

Terry would have loved to have been at the AGM to debate the issues. But his time has gone and we wish him all the best as the new young crowd comes along to carry on the magnificent work he embarked upon all those years ago.

99 Gay and Lesbian Members AGM 2002

The National Gay & Lesbian Committee's Annual General Meeting took place at FBU Head Office on 18th November 2002. The meeting agreed the following resolutions:

HUMAN RIGHTS

This Conference acknowledges the continued abuse worldwide which directly affects Lesbian, Gay, Bi-sexual, and Transgender communities.

In over 70 countries 'same sex' relationships are considered a crime and in some instances may incur the death penalty.

Conference therefore demands that the Executive Council in conjunction with the TUC and its affiliates and other like minded organisations, such as Amnesty International and Stonewall, campaigns and puts pressure on these Governments to decriminalise homosexual acts and to conform to the international covenant on civil and political rights.

PARTNERSHIP RIGHTS

This Conference is appalled that current legislation allows this Government to differentiate between married, unmarried or same sex partnerships in the UK.

We therefore call on the Executive Council:-

- To put pressure on the Government to provide legislation that ensures the same rights and privileges as those granted to married heterosexual couples.
- To demand all Fire Authorities do not discriminate against unmarried/same sex couples.

FIREMENS PENSION SCHEME

Conference notes the recent calls by the Government to modernise the Fire Service. Conference also notes that the Government recently changed their pension scheme to nominate partners.

Therefore this Conference demands that the Executive Council in conjunction with the Employers:-

- Lobby the Government to change the legislation in respect of the Firemens Pension Scheme from legally married to a nominated beneficiary.
- Instruct our solicitors to look at the possibility of mounting a legal challenge with the support of the TUC and Stonewall to change the Pension Scheme to include a nominated beneficiary.

100 Gay and Lesbian Members AGM 2003

The Gay and Lesbian Members Annual General Meeting was held at Wortley Hall on 21st November 2003. The Meeting agreed the following Resolutions:

1. SEXUALITY ISSUES

This Annual General Meeting firmly believes that sexuality issues are still taboo for a lot of our members. To encourage debate around sexuality issues this Annual General Meeting believes that all appropriate Union training courses must include sexuality training. We instruct the Executive Council to ensure sexuality training is integrated into all appropriate courses FBU members attend.

**REGION 7
AS AMENDED BY REGION 3**

2. ASYLUM BILL

It is disgraceful that Lesbian, Gay, Bi-Sexual and Trans people can still be prosecuted, persecuted, imprisoned, tortured or even executed because of their sexuality, in over 70 countries.

Following the introduction of the Asylum Bill the rights of LGBT Asylum Seekers have been badly affected.

This Annual General Meeting instructs the Executive Council to:

1. Apply pressure to the TUC General Council to campaign against this legislation.
2. Encourage Regions to affiliate to the "Stonewall Immigration Group".
3. Support campaigns run by Stonewall and others against the Legislation.

**REGION 7
AS AMENDED BY REGION 3**

3. SINGLE EQUALITY BILL

This Annual General Meeting notes that the Government has been forced into enacting Equality Legislation because of European Directives. These Directives gave the Government the opportunity to introduce a fundamental change to Equality Law and introduce equality for all.

Whilst we welcome the changes we feel that these Regulations do not go far enough.

This Annual General Meeting supports the idea of a Single Equality Bill to give the same protection under the law to all.

This Annual General Meeting calls on the Executive Council to support the campaigns which will bring about a Single Equality Bill.

REGION 7

EMERGENCY RESOLUTION 1

Pensions Exemption

This AGM wishes to express its disappointment that the Fire Brigades Union were not able to commit themselves to taking legal challenge to the pensions exemption after the introduction of the new equality legislation. This not only condones the stance taken by pension schemes in discriminating against Lesbian and Gay members but undermines some of the hard work and progress we have made within the trade union movement.

We call on the Executive Council to provide a full written account of why the deadline was not met or was found to be unachievable given that this matter had been raised at previous G&L AGM's.

REGION 3

EMERGENCY RESOLUTION 2

Regionalisation of the Fire Service

After the September meeting of the Northern Region TUC Executive, where the FBU were asked for their response to the issues of Regional Governance, this G & L AGM asks that the FBU Executive Council issues a positional statement. This statement is to provide a response to where the FBU stand on the issue of Regional Governance verses Regionalisation of the Fire Service, so that Officials can actively participate in the debates and negotiations on the issue of Regional Governance without undermining the stance of the Fire Brigades Union.

REGION 3

EMERGENCY RESOLUTION 3

TUC Audit on Equality

This AGM of gay and lesbian members welcomes the very recent publication of the TUC Equality Audit, after a long period of consultation with affiliated unions. We further welcome and congratulate the TUC on the hard work gone into producing this document with its far reaching findings.

However we are dismayed at the complete lack of information that the Fire Brigades Union has provided to the TUC from our organisation. When we have long promoted ourselves so widely in the trade union movement as being champions on equality.

We are further alarmed at the disgraceful omission of LGBT (Lesbian, Gay, Bi-Sexual and Trans) questions and a subsequent response from the FBU on these issues.

We note that this Audit took place during the recent dispute, but we feel that on such a critical issue the response is not good enough.

We must ensure that in 2 years time when the next Audit comes around, the Fire Brigades Union should submit a more substantial submission.

This AGM therefore requests a full written report explaining the submission from the FBU and its lack of content.

REGION 3

101 Information Technology

The National information technology roll-out was put on hold for the duration of the dispute.

The aim of the Executive Council is to give all Officials on Regional Committees and Brigade Secretaries, Chairs and Membership Secretaries access to the FBU network.

All Regional Offices are now properly networked and most Officials should now be using standardised software and hardware, which is fully compatible with that used by everyone else within the Union.

When the roll-out is totally complete the Union will be looking to review the next stage of the IT strategy.

102 Membership Services

The new membership data base package went live, as expected in early 2002.

The Executive Council would like to thank all Staff members who have assisted in this process. The Executive Council would also wish to thank all those Officials throughout the Regions for their help.

103 National Sectional Committees

B&EMM

Secretary	Mr C St. Paul
Chair	Mr P Ahmed
Region 1	
Region 2	
Region 3	Mr D Cass-Williams
Region 4	
Region 5	Mr P Greaves
Region 6	
Region 7	Ms S Samuels
Region 8	Mr B Amos
Region 9	Mr M Ackah
Region 10	Mr R Stanley
Region 11	Mr G Brooks
Region 12	
Region 13	Mr L Ramsey
Region 14	Mr L Phillpotts

CSNC

Secretary	Ms S Offland
Chair	Mr J Whitaker
Region 1	Ms G Thomson
Region 2	Ms L Rowan
Region 3	Ms J Westwood
Region 4	Mr W Sunderland
Region 5	
Region 6	Mr R Brittan
Region 7	Ms R Jones
Region 8	Ms S Williams
Region 9	
Region 10	Ms S Peverett
Region 11	
Region 12	Mr I Smith
Region 13	Mr M Marsh
Region 14	Ms V Hampshire

NRC

Secretary	Ms H Hill
Chair	Mr D Cotter
Region 1	Mr T Mitchell
Region 2	Mr S McMillen
Region 3	Mr M Jones
Region 4	Mr B Clarke
Region 5	Mr M Parkinson
Region 6	Mr S Reeve
Region 7	Mr M Kell
Region 8	Mr P Preston
Region 9	Mr T Day
Region 10	Mr K Kiddell
Region 11	
Region 12	Mr R Potter
Region 13	Mr R Dewis
Region 14	Mr L Redman

NWC

Secretary	Ms K Baigent
Chair	Ms D Feltham
Region 1	Ms J Ferguson
Region 2	Ms L Rowan
Region 3	Ms S Rye
Region 4	
Region 5	
Region 6	Ms S Leech
Region 7	Ms H Harrison
Region 8	
Region 9	Ms J Winrow-Jones
Region 10	Ms F Walsh
Region 11	Ms S Griffiths
Region 12	
Region 13	
Region 14	Ms P Layhe

ONC

Secretary	Mr D Beverley
Chair	Mr A Guest
Region 1	Mr J Wood
Region 2	Mr K Barr
Region 3	Mr I Buchanan
Region 4	Mr J Allen
Region 5	Mr I Johnson
Region 6	Mr A Carvell
Region 7	Mr G Humphrey
Region 8	Mr M Flanagan
Region 9	Mr A Tottie
Region 10	Mr J Sears
Region 11	Mr W Carruthers
Region 12	Mr G Jones
Region 13	Mr B Stockford
Region 14	Mr M Feher

Gay and Lesbian

Secretary	Mr S Brown
Chair	Mr P Carberry
Region 1	(Vacant)
Region 2	(Vacant)
Region 3	Mr P Wilcox
Region 4	Ms C Duke
Region 5	
Region 6	
Region 7	Mr P Gallagher
Region 8	
Region 9	Mr T Coe
Region 10	Mr R Moore
Region 11	Mr P Canning
Region 12	
Region 13	Ms Y Dubois
Region 14	

EDUCATION OFFICERS

Region 1	Mr T Shanahan
Region 2	Mr T Shaw
Region 3	Mr I Hudson
Region 4	Mr M Headon
Region 5	Mr S Shelton
Region 6	Mr J Heanue
Region 7	Mr T Conn
Region 8	Mr N Williamson
Region 9	Mr N Thompson
Region 10	Mr A Mayhew
Region 11	Ms L Smith
Region 12	Mr M Simmons
Region 13	Mr G Jackaman
Region 14	

REGIONAL FAIRNESS AT WORK REPS

Region 1	Mr R Costello
Region 2	Mr J Quinn
Region 3	Mr I Moore
Region 4	Mr S Cahill
Region 5	Mr M Ogilvie
Region 6	Mr D Bott
Region 7	Mr M Brookes
Region 8	Mr D Parry
Region 9	
Region 10	Mr L Mayhew
Region 11	Mr S Wakeford
Region 12	Mr I Wright
Region 13	Mr P Clarke
Region 14	Mr R Pritchard
CSNC	Ms S Offland
ONC	Mr W Carruthers
NWC	Ms K Baigent
B&EMM	Mr C St. Paul
G&L	Mr S Brown
NRC	Mr L Redman

REGIONAL HEALTH & SAFETY REPS

Region 1	Mr A MacLeerie
Region 2	Mr D Wilson
Region 3	Mr K Gelders
Region 4	Mr P Matthewman
Region 5	Mr K Wheeler
Region 6	Mr T Neal
Region 7	Mr P Goulden
Region 8	Mr E Perry
Region 9	Mr P Hough
Region 10	Mr P Matthews
Region 11	Mr A Dark
Region 12	Mr M Stark
Region 13	Mr D Dymond
Region 14	
CSNC	Mr J Whitaker
ONC	Mr G Humphrey
NRC	Ms H Hill
NWC	Ms S Griffiths
B&EMM	Ms S Samuels
G&L	Mr P Gallagher

104 National Retained Committee Report

The National Retained Committee held 17 meetings in London during the period under review and has grown to represent all but two Regions of the Fire and Rescue Service. All meetings were well attended by the dedicated Committee Members, ensuring that this Committee is a success and strength in its own right.

The last two years have been busy, hectic and frustrating. The National Retained Committee has been tirelessly involved in

- The FBU Pay Dispute / Pay Negotiations
- Pension Appeals
- IRMPs
- IPDS
- Reports produced on (1 report) Bain and the Retained (2 reports) South Wales Pilot Scheme.

PAY DISPUTE

The pay dispute was long, and hard with strikes, endless negotiations, disappointments and mistrust. During the dispute our members shared the same aspirations and unity of all members, despite our different roles and duty systems. Bridges were built and communication prevailed. Retained membership grew daily.

The NRC proposed a substantial increase in the Retaining Fee, extended and better quality training. The Retained membership campaigned for Pay Parity.

The pay campaign began and so did that of the media - the spin was so fierce and cruel. What quickly materialised was the public awareness of the Retained Duty system and its vital role within the community. At best the awareness was low and the perception of the work of Retained Firefighters was not matched by the reality.

We were cast as greedy and were publicly attacked for wanting to provide our families with a decent standard of living and to make Service able to fill the 3,000 vacancies for Retained Firefighters. We were described as militants, possible murderers, holding our communities to ransom!

The Government – determined to break the Union – joined in the campaign. It allowed an “alternative” view from the RFU, a club claiming to represent the Retained. On prime-time National TV, they announced that the Retained were not on strike, lulling the public into feeling secure - and of course to try and cause divisions between Wholetime and Retained members.

The NRC Officials made daily radio interviews but failed to make it on National TV, despite efforts by Head Office and Regional Officials. The pro-Government media was in no way going to allow an alternative view.

The NRC Officials travelled up and down the country, when invited, addressing the membership, two to three times a week on occasions and nightly in our own Brigades. We attended all the numerous NJC meetings, sometimes on a weekly basis, including “the night of all nights” – the start of the 8 day strike.

We took twenty, thirty phone calls daily from journalists, radio and together with our members, Brigade and Regional Officials, we attended and contributed to the many Campaign Co-coordinators meetings. Our Regional Representatives worked very hard keeping the membership informed and morale high. We attended all the rallies, four Recall Conferences as well as juggling our main job and career, continuing to be an Operational Firefighter, training nights and of course, let's not forget, the family life.

During Stage 2 of the Pay Negotiations Morris Butterfield, NRC EC Member, and Helen Hill, NRC Secretary, attended the first three of the four Pay Negotiations.

The NRC would like to personally state how incredibly forceful and professional our pay negotiators - Andy Gilchrist, Ruth Winters and Mike Fordham - were during those meetings, how positively they portrayed the Service delivered by Retained Firefighters and how admirably and strongly they put our case on the table of our Employers.

There were no weaknesses or hidden agendas.

Our Employers held conversations and made proposals on Retained Firefighters that were insulting, degrading and downright irresponsible. They have no regard or respect for any Retained member. Their lack of understanding, morals and attitude beggars belief.

The offer on the table was the Employers' view of how much they appreciate our Service – not our negotiators.

On 14th October 2003, the NRC were presented with the Employers pay proposal for Retained Firefighters which was based on a model of 200 calls and a maximum pay bill of 13.74%. This was alarming, implying huge losses to our members. After a very long discussion and a very long night, the NRC worked on them to try and improve upon what was initially offered. We did our best.

PENSIONS

In May 2003 the Appeal over whether Retained Firefighters can be included in the Fireman's Pension Scheme was held in London and lasted for two days. Morris Butterfield, NRC EC Member, and Helen Hill, NRC Secretary, attended on behalf of the NRC. The FBU lost the appeal.

In October 2003 the NRC were informed by the Court of Appeal that the FBU have been granted permission to appeal on three grounds. The case will be heard in the Court of Appeal on the 30th and 31st March 2004.

The background to the case was the Employment Tribunal held in Croydon in November 2001, which came down in favour of a pension for Retained Firefighters. That Tribunal decided the principle of whether or not our Retained members can compare themselves to Wholetime colleagues so as to be entitled to membership of the FPS.

The NRC condemns our Government, aided by our Employers, for 'cherry picking' parts of the European Legislation – Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (Amendment) Regulations 2002 to exclude certain members of their

workforce that do comparable and deserving jobs. The NRC is committed to fight this disgraceful discrimination.

The NRC hopes that costs will not be a deciding factor in our pursuit for justice for the Retained membership.

Nominated members of the Committee now sit on all of the main National Working Committees.

FAIRNESS AT WORK

Our nominated representative contributed to the great work of the FAW Committee on many Equality issues including Facilities, Promotions, Duty systems, Family Friendly policies, Recruitment, FAW training and Protracted Incident Facilities.

The NRC will continue to highlight and fight discrimination for all members of the Fire and Rescue Service and specifically Retained members. It will seek to promote the issues affecting recruitment of under – represented groups, including:

- lack of awareness and misconceptions about the work of the Retained Firefighter,
- lack of role models
- lack of a national advertising/ recruitment campaign
- insufficient promotion of “family friendly” arrangements, in terms of hours of availability/ facilities, that could appeal to people who could provide day-time cover while their children are in school.

Members of the Committee have attended the very successful and educational B&EMM, Gay and Lesbian and Women’s Schools.

HEALTH, SAFETY & WELFARE

The NRC presence is so important as our Employers, CFOs and Fire Authorities for years have ducked their responsibilities to HS&W with respect to Retained Firefighters.

The NRC representative sits on the Operations/Training Sub-Committee.

EDUCATION

NRC representatives on this Committee assisted in the development of a Training Analysis Questionnaire for the Union Officials/Membership.

It has been agreed with our National Officers the relevance and need of a National Retained School. It would allow Retained members to focus on their own key issues and thereby

- increase the relevance of their membership of the FBU,
- their role in the Union and
- encourage more Officials to take up positions within the Union.

A National Retained School would also:

- equip our members with confidence and knowledge of how our Union works and to encourage members to join the wider FBU education programme. For knowledge is power.
- demonstrate the Union’s commitment to developing the Retained membership.

Well done Northern Ireland (Region 2) for organising and holding another successful Retained School!

IRMPs

Retained Representatives for the Committee attended Cardiff for a seminar on Integrated Risk Management Plans (IRMPs). Committee Members have been actively involved in IRMPs.

The NRC rejects the connection of IRMP to IPDS, with flawed, untrials IRMPs determining the training requirements for our members.

IPDS

The NRC welcomes the role maps and the persistence and insistence of our members and Union that there is:

- no discrimination or distinction between the role of a Firefighter whether working the Wholtime or Retained duty system.
- no ceiling restrictions for promotion / professional advancement.

Yes – a Retained Firefighter can be a Chief Fire Officer!

Training must be afforded to Retained Firefighters, with equal access and fair opportunities. Training that must equip our members with the correct levels of skill, knowledge, understanding and attitude appropriate to the work he or she will be expected to undertake. It will be our role to ensure that CFOs do not interpret the roles – cherry picking parts they want and disregarding the rest solely on a financial basis, fitting our training into a budget instead of the analysis of training needs required deciding the budget! Their agenda of less training means less of a functional role.

Morris Butterfield and Helen Hill attended a number of IPDS related meetings in London with FBU National Officials and the Employers in the latter part of 2003.

OPDM – RETAINED REVIEW TEAM

Helen Hill represents the FBU on this forum.

Attendees include CACFOA, ODPM (4 people), LGA (2), RFU, HM INSPECTORATE (2)

The Review Team term of reference is to focus on the recruitment and retention problems of the Retained Section of the Service. The Review Team will be responsible for preparing a report, with recommendations, for submission to the Practitioners Forum in Summer 2004.

ALERTER MAGAZINE / NEWSLETTERS

A group comprising of four NRC Committee Members will now be responsible for producing information for the Retained membership.

In the past we have been criticised for failure to produce large amounts of literature. We cannot defend that criticism – we produced as much as we physically could time permitting especially during the Pay dispute – colour posters, handouts, newsletters, our response to Bain, pay proposal explanatory information, including spreadsheets. We intend to improve this year.

THE RETAINED AGM

While the 2002 AGM was cancelled due to the Pay Dispute, the 2003 AGM went ahead on November 16th at Wortley Hall as planned.

Like previous AGMs, there was a disappointingly small agenda out of a possible 39 resolutions. Eight were carried, three were withdrawn and four motions were defeated.

The AGM was well attended. However we look forward in the future to more delegates and observers and the attendance of our National Officials. We hope that Regional and Brigade Officials will more actively seek to advise their Retained members of the AGM and encourage them to devise resolutions, remind them of the importance of their attendance and fund more observers.

We all have a part to play.

ELECTIONS

During 2003 National Retained Secretary, Helen Hill, and The National Retained Chair, Harry Cotter, were both re-elected unopposed.

FUTURE

We as a Committee, are ready to face the future challenges in the Fire and Rescue Service as they affect Retained Firefighters: IRMPs, IPDS, Wholetime /Retained, Government agendas to change our duty system, attacks on other public services through the co-responding schemes, Regionalisation.

We will give ourselves many opportunities over the next year to improve the reputation and structure of the Committee through Union education, which will give us confidence and strengthen our voice.

We will let people know we are prepared to fight for equality of conditions of service we believe in.

We will work hard as a Committee to educate and inform our members. We will ensure that the crucial contribution to the Fire and Rescue Service of Retained Firefighters receives recognition and attention. And we will fight for the funding it deserves.

We as a Committee recognise the part we have to play. We are there to advise, to help and assist FBU Officials and members. To be able to carry out this function we need to be asked and or invited into Brigades and Regions. It is so easy to criticise and condemn – it's much harder to participate and take responsibility.

The NRC would like to pay tribute to the Firefighters who have sacrificed their lives for others, including our Retained Firefighter comrade – Joe McClusky (Reg 2) as well as the many Firefighters who have been injured. This country owes them a debt.

Thanks also for the hard work and commitment by Retained members nationally, by Brigade, Regional and National Officials and Head Office Staff.

105 Retained Members' AGM

The Annual General Meeting of Retained Members' Representatives was held at Wortley Hall on 16th November 2003. The meeting agreed the following resolutions.

MOTIONS CARRIED

1. REPLACEMENT MEALS

This Annual General Meeting calls upon the Executive Council to negotiate with our Employers at the National Joint Council an agreement to include Retained in

Section VI, Clause 5, Paragraph 1, of the Conditions of Service and report progress at Annual Conference 2004.

REGION 6

2. TURN OUT FEES

This Annual General Meeting calls upon the Executive Council to seek a change, through negotiation with the Employers at the National Joint Council, to our conditions of service.

Section VII, Clause 4, Paragraph 1, "Note"

After "Another part of the fireground" **insert** a full stop and **delete** the remainder of the sentence.

REGION 6

5. SAFE CREWING LEVELS

This Annual General Meeting condemns Chief Fire officers who continually put Firefighters lives at risk by allowing pumping appliances to be mobilised from a station whilst below safe minimum crew levels. We demand that the Executive Council take up this issue with the appropriate body in order to stop pumping appliances responding to incidents with a crew level of below five.

REGION 14

6. SKILLS

This Annual General Meeting demands that any skills and qualifications a Retained Firefighter gains, as a result of being employed as a local authority Firefighter, should be recognised and attributable in terms of Firefighter role maps in the UK Fire Service.

REGION 1

7. CONTINUATION TRAINING

This Annual General Meeting demands that the Executive Council uses all means at its disposal to protect the Health, Safety and Welfare of members by pursuing policies that will result in one full day per month being dedicated to continuation training for Retained personnel in addition to the existing "drill night".

We believe that the time required for training has been eroded by growing commitments to checks and maintenance and the two hour "drill night" is no longer sufficient.

REGION 2

9. FIRST AND CO-RESPONDER SCHEMES

This Annual General Meeting is concerned with the growing development of so called first and co-responder schemes operating from Retained Fire Stations as a substitute for front line ambulance cover provided by Health Authorities.

This meeting deplores the motives for the introduction of such schemes that are purely financially driven. This meeting further deplores the effect that these schemes have on staffing levels at Retained Fire Stations when mobilised which can result in depleted crews on front line fire appliances.

This meeting calls on the Executive Council to reaffirm their opposition to the introduction of these schemes and for Brigade Committees to oppose their introduction in to Brigades.

REGION 14

10. ANNUAL LEAVE

This Annual General Meeting demands the public holiday conditions in terms of pay that apply to Wholtime members of the service are equally applied to Retained Members, in an attempt to bring about greater parity between Retained and Wholtime members.

REGION 1

AMENDED BY REGION 4

14. MOTOR INSURANCE

This Annual General Meeting calls on the Executive Council, to raise at National Level, that any Retained Member who incurs extra cost on their private motor insurance, for the purpose of carrying out their Retained duties, is reimbursed such costs by their respective Fire Authorities.

REGION 3

106 Officers' National Committee Report

The Officers National Committee has continued to develop its ways of working and its role within the Union. It has representatives on most Union Sub-committees as well as representatives on all Regional Committees. The ONC also continues to assist and advise the Executive Council in developing Fire Safety and Community Safety strategies.

The ONC has a commitment to deliver outcomes to those resolutions passed by the ONC Annual Sectional Meeting and that will determine the main work of the ONC over the next 12 months. An example of that commitment is the stress study on Officers which is currently being undertaken as a result of a resolution passed at the 2001 meeting.

Other issues that the ONC will be involved in over the coming year will be the move from rank to role,

implementation of the IPDS and the FBU National IRMP document.

107 Officer Members AGM

The Annual General Meeting of Officer Members Representatives was held at Wortley Hall on 17th November 2003. The meeting agreed the following resolutions:

1. FLEXIBLE DUTY ALLOWANCE

The ODPM and the National Employers have shown, by their method of calculating stoppages of pay during the recent dispute, that Officers conditioned to the flexible duty system are being paid far less than the National Minimum Wage during standby/callout periods.

This Annual General Meeting instructs the Executive Council to immediately enter into negotiations for an increase of the flexible duty allowance to a level equivalent to the National Minimum Wage.

REGION 6

2. FLEXIBLE DUTY SYSTEM

This Annual General Meeting calls upon the Executive Council to ensure that in future negotiations there will be no detrimental changes to the rostering arrangements as specified in Section II sub section 3b(ii) of the Grey Book 5th Edition 1998.

REGION 4

4. IRMP'S – FLEXI DUTY SYSTEM

This Annual General Meeting demands that the Executive Council, and all Brigade Committees, oppose any attempts by Brigade Management to use the implementation of IRMP's, to cut the number of Officer Posts or attack the Flexi Duty System. The safe implementation of incident command systems requires that, the correct level of supervision and adequate numbers of Specialist Officers are available, when required at an incident. Recent years have seen an ever-increasing workload placed on Officers, with resultant stress and related illnesses. Any reduction in Officer numbers can only exacerbate this situation and must be opposed by all available means.

REGION 1

5. OFFICERS – DAY DUTY SYSTEM

This Annual General Meeting calls upon the Executive Council to oppose by all means possible any attempt by Local and/or National Employers, to impose detrimental changes to the Day Duty Systems, as specified in

Section II sub section 3 (c) - Station Officers and higher ranks, of the Grey Book.

REGION 4

7. OVERTIME PAYMENTS

This Annual General Meeting demands that overtime payments are extended to all Officers as applicable to other ranks.

REGION 13

9. REPRESENTATION

In view of the transition from a rank to role based Service, this Annual General Meeting demands that the remit for representation of members in the middle management tier, lies with the ONC.

REGION 2

10. BRIGADE COMMAND COURSE

This Annual General Meeting calls on the Executive Council to make representation that the current selection process for the Brigade Command Course be abolished in favour of an assessment centre based on ability only. Currently an applicant's performance is assessed on their score at the selection centre, their application form and the recommendation from their Chief Officer, with "great reliance placed by assessors on the comments of each applicant's Chief Officer". This could lead to cronyism at the highest levels of the Service, and we therefore demand a fair, independent and transparent method of selecting future Chief Officers.

REGION 1

11. MULTI TIER ENTRY

This Annual General Meeting reaffirms Conference Policy opposing multi tier entry into the Fire Service.

REGION 2

AMENDED BY REGION 1

EMERGENCY RESOLUTION 1

NJC Car Allowances

This Annual Sectional Meeting calls upon the Executive Council to negotiate an increase in the car allowances for Fire Officers on the Essential Car Users Scheme and Flexible Duty System.

This is primarily due to the additional costs incurred by Fire Officers having to provide "Blue Light" business use insurance cover for emergency response.

We also feel that the low increase in the latest NJC allowances, namely that the lump sum payment was not increased and the increase of 05. pence per mile, does not reflect the true running cost of providing a car for emergency response under the Essential Car Users Scheme.

REGION 12

EMERGENCY RESOLUTION 2

Visit of US President Bush

This Annual Sectional meeting condemns the triumphal State visit of US President Bush.

This at a time when people, both civilian and military personnel, continue to be killed in the streets of Iraq as a direct result of the US "Declared War on Terrorism".

This meeting believes that the purpose of the visit is to kick start his forthcoming election campaign and that he is using the visit, and the families of British victims of the conflict, for his own personal political gain.

REGION 12

EMERGENCY RESOLUTION 3

Cuba

Following the historic vote at the United Nations on 4th November 2003 at which a record majority of nations voted to end the United States led embargo against Cuba, this Annual Sectional Meeting calls on the Executive Council to put pressure, at every opportunity, on the British Government to use its influence, to ensure that the United States complies with the UN resolution, in full, as soon as possible.

REGION 1

108 Political Fund

The Executive Council are pleased to report that membership of the Union's Political Fund continues to be at a high level, thus maintaining a healthy fund that has been put to good use.

Rule 31(3) is taken into account when affiliating to a political party.

109 Restoration of Appearance and Function Trust (RAFT)

RAFT is a registered charity which was set up in 1988 to try to help people with terrible wounds or physical disfigurement. A number of our own members have benefited directly from the work of RAFT.

As a charity it needs to raise money to pay for everything from stationery to staffing.

During the pay dispute it was decided that all campaign material i.e Caps, T Shirts and other miscellaneous items would be sold at various rallies/events round the country with all money received being donated to RAFT.

A cheque from Head Office was sent to Ms Hilary Bailey, Director of Administration and Appeals, for the sum of £10,000.

Donations were also sent direct from Regions and Brigades as well as individual members.

110 Regional Offices/Officials

Region 1 – Scotland

FBU Regional Office

4th Floor
52 St Enoch Square
Glasgow
Scotland
G1 4AA
Tel: 0141 221 2309
Fax: 0141 204 4575

Brigades

Central
Dumfries & Galloway
Fife
Grampian
Highland & Islands
Lothian & Borders
Tayside
Strathclyde

Executive Council Member

Mr J McDonald

Regional Secretary

Mr K Ross

Regional Chair

Mr D Robertson

Regional Official

Mr R Costello

Regional Treasurer

Mr A Munro

Brigade Secretary

Mr G McQuade

Mr I Anderson

Ms L Shanahan

Mr A Paterson

Mr J Urquhart

Mr G Barrie

Mr J Malone

Mr A McNiven

Brigade Chair

Mr J McAughtrie

Mr A Glendinning

Mr T Shanahan

Mr C Duncan

Mr F Parr

Mr M Scott

Mr J Duffy

Mr J Cairns

Region 2 – Northern Ireland

FBU Regional Office

14 Bachelors Walk
Lisburn
Co. Antrim
BT7
Tel: 02892 664622
Fax: 02892 67844

Executive Council Member

Mr J Barbour

Regional Secretary

Mr A Maguire

Regional Chair

Mr J Quinn

Regional Treasurer

Mr S C Boyd

Region 3 – North Eastern

FBU Regional Office

1 Carlton Court
5th Avenue
Team Valley
Gateshead
NE11 0AZ
Tel: 0191 487 4142
Fax: 0191 487 4161

Brigades

Cleveland
Durham
Northumberland
Tyne & Wear

Executive Council Member

Mr A McLean

Regional Secretary

Mr S Gregg

Regional Chair

Mr A Blacklee

Regional Treasurer

Mr S Hedley

Brigade Secretary

Mr B Boyle
Mr K Brennan
Mr S Hedley

Brigade Chair

Mr K Gelders
Mr R Morton
Mr J Wilkinson
Mr K Walters

Region 4 – Yorkshire & Humberside

FBU Regional Office

9 Marsh Street
Rothwell
Leeds
LS26 0AG
Tel: 0113 288 7000
Fax: 0113 288 7888

Brigades

Humberside
North Yorkshire
South Yorkshire
West Yorkshire

Executive Council Member

Vacant

Regional Secretary

Mr R Blackburn

Regional Chair

Mr M Peel

Regional Treasurer

Mr M Headon

Brigade Secretary

Mr S Starbuck
Mr J Mitchell
Mr P Matthewman
Ms S Cahill

Brigade Chair

Mr I Murray
Mr S Timmins
Mr J Pagan
Mr N Sutcliffe

Region 5

FBU Regional Office

The Lighthouse
Lower Mersey Street
Ellesmere Port
Cheshire
CH65 2AL
Tel: 0151 357 4400

Brigades

Cumbria
Greater Manchester
Isle of Man
Lancashire

Executive Council Member

Mr P Micallef

Regional Secretary

Mr H Western

Regional Chair

Mr J McMullen

Regional Treasurer

Mr W Gee

Brigade Secretary

Mr M Ogilvie
Mr R Pounder
Mr P Fielding
Mr S Harman

Brigade Chair

Mr F Davidson
Mr K Brown

Mr M Gallagher

Region 6 – East Midlands

FBU Regional Office

Unit H3B
Mill 3
Pleasley Vale Business Park
Pleasley
Mansfield
Notts
Tel: 01623 812290
Fax: 01623 811642

Brigades

Derbyshire
Leicestershire
Lincolnshire
Northamptonshire
Nottinghamshire

Region 7

FBU Regional Office

195 Halesowen Road
Cradley Heath
West Midlands
B64 6HE
Tel: 01384 413633
Fax: 01384 561243

Brigades

Hereford & Worcester
Shropshire
Staffordshire
Warwickshire
West Midlands
Fire Service College

Region 8 – Wales

FBU Regional Office

Units 38 + 40
Port Talbot Business Units
Addison Road
Port Talbot
SA12 6HZ
Tel: 01639 871013
Fax: 01639 888806

Brigades

Mid & West Wales
North Wales
South Wales

Executive Council Member

Mr D Green

Regional Secretary

Mr D Limer

Regional Chair

Mr A Brickles

Regional Treasurer

Ms J Curry

Brigade Secretary

Mr M Lee
Mr N Mayne
Mr B Foster
Mr G Mitchell
Mr A McClean

Brigade Chair

Mr M Redford
Mr P Tyrrell
Mr M Curry
Mr T Murray
Mr K Meads

Executive Council Member

Bro. D Whatton

Regional Secretary

Mr R Liggins

Regional Chair

Mr A Larose

Regional Treasurer

Mr C Wood

Brigade Secretary

Mr S Laughher
Mr A Pearson
Mr B Moss
Mr N Henderson
Mr T Nutting
Mr M Anderson

Brigade Chair

Mr C Horsburgh
Mr M Lamb
Mr S Hill
Mr M Broadway
Mr P Goalby
Mr D Stevens

Executive Council Member

Mr M Smith

Regional Secretary

Mr R Pearson

Regional Chair

Mr R Allen

Regional Treasurer

Mr S Jenkins

Brigade Secretary

Mr N MacPherson
Mr J Purser

Brigade Chair

Mr N Dodd
Ms S Williams
Mr N Williamson

Region 9 – Merseyside & Cheshire

FBU Regional Office

Merseyside Trade Union
Community & Unemployed
Resource Centre
24 Hardman Street
Liverpool
L1 9AX
Tel: 0151 709 3964
Fax: 0151 709 6737

Regional Secretary

Mr M Navarro

Regional Chair

Mr N Thompson

Brigades

Cheshire
Merseyside

Brigade Secretary

Mr D Williams
Mr L Skarratts

Brigade Chair

Mr T Caldwell
Mr R Foulkes

Region 10 – Eastern & East Anglia

FBU Regional Office

28 Atlantic Square
Station Road
Witham
Essex
CM8 2TL
Tel: 01376 521521
Fax: 01376 503758

Executive Council Member

Mr K Handscomb

Regional Secretary

Mr G Noakes (Acting)

Regional Chair

Mr T Turney (Acting)

Regional Treasurer

Mr J Brown (Acting)

Brigades

Bedfordshire
Cambridgeshire
Essex
Hertfordshire
Norfolk
Suffolk

Brigade Secretary

Ms J Clarke
Mr A Clarke
Mr D Godfrey
Mr A McLean
Mr N Day
Mr S Brinkley

Brigade Chair

Mr D Osborne
Mr T Turney
Mr K Flynn
Mr P Stanbridge
Mr D Cutting
Mr V Jell

Region 11 – London

FBU Regional Office

John Horner Mews
Off Frome Street
Islington
London
N1 8PB
Tel: 020 7359 3638
Fax: 020 7359 3686

Executive Council Member

Mr M Shaw

Regional Secretary

Mr M Shergold

Regional Chair

Mr R Neal

Regional Official

Mr J MacVeigh

Regional Treasurer

Ms L Smith

Region 12 – South Eastern

FBU Regional Office

Fire Station
London Road
Sevenoaks
Kent
NE13 2HY
Tel: 01732 740415
Fax: 01732 459424

Brigades

Kent
Surrey
East Sussex
West Sussex

Executive Council Member

Mr E Thornton

Regional Secretary

Mr D Keating

Regional Chair

Mr I Wright

Regional Treasurer

Mr D Fowler

Brigade Secretary

Mr H Sawyer
Mr S Burnell
Mr J Parrott
Mr A Coulson

Brigade Chair

Mr M Simmons
Ms D Armstrong
Mr S Huggins
Mr D Telling

Region 13 – Southern

FBU Regional Office

High Wycombe Fire Station
St Mary Street
High Wycombe
Buckinghamshire
HP11 2HE
Tel: 01494 513034
Fax: 01494 513035

Brigades

Berkshire
Buckinghamshire
Dorset
Hampshire
Isle of Wight
Oxfordshire

Executive Council Member

Mr D Mills

Regional Secretary

Vacant

Regional Chair

Mr P Miller

Regional Treasurer

Mr D Dymond

Brigade Secretary

Mr E Cardoso
Mr D Whitelock
Ms K Adams
Mr C Jordan
Mr M Poynter
Mr R Burrell

Brigade Chair

Mr D Dymond
Mr G Richardson
Mr S Priest
Mr P Christopher
Mr M Newland
Mr B Stockford

Region 14 – South West

FBU Regional Office

158 Muller Road
Horefield
Bristol
BS7 9RE
Tel: 0117 935 5132
Fax: 0117 935 5916

Brigades

Avon
Cornwall
Devon
Gloucestershire
Somerset
Wiltshire

Executive Council Member

Mr B Joyce

Regional Secretary

Mr T McFarlane

Regional Chair

Mr P Jordan

Regional Treasurer

Ms V Hampshire

Brigade Secretary

Mr W Hendy
Mr T Nottle
Mr G Jones
Mr J Drake
Mr A Woolaston
Mr J Tray

Brigade Chair

Mr C Taylor
Mr M Tremellen
Mr T French
Mr S Turner
Mr L Redman
Mr I Heath

111 Retired Officials

Glyn Davies

EC member Region 4

Joined Northumberland County Fire Service in 1973 and became a Brigade Official in Tyne and Wear in the 1980s. Glyn served as EC member for 18 years including a period as Vice President of the Union.

Peter Skinley

EC member Region 9

Pete retired after being a member and committed official of the FBU for 30 years. We look forward to his continued support in his out of trade role and wish him a long and happy retirement.

Steve Paine

EC member Region 13

Steve worked in Hampshire and took over as EC member from Keith Algar after serving as Brigade Official and Retional Chair. He married Debbie Potts, Regional Treasurer and since retiring from the union has left for the warmer climes of Australia.

NAME	REGION	POSITION HELD
Aubrey Crawford	R2	Regional Treasurer
Don McLeod	R4	Brigade Sec
Bill Walford	R4	Officers' Rep
Stewart Holmes	R6	FAW Rep
Jim Jelley	R6	Brigade Sec
Richard Evans	R8	Regional Sec
Keith Magnel	R8	Regional Chair
John Robinson	R8	Brigade Chair
Chris Carlier	R12	Brigade Sec
Gerry Wilkinson	R12	Brigade Chair
Grahame Jackaman	R13	Reg Education Officer
Hugh McClosky	R13	Brigade M/Ship Sec

112 Retired FBU Staff

No FBU staff retired during 2002. However, Sandra Johnston (Membership Services Secretary) and Grace Bates (Office Supervisor) both retired in 2003. Sandra worked at FBU Head Office for over 17 years and Grace worked at Head Office for over 20 years.

The Executive Council wish to thank Sandra and Grace for their continued work and support throughout their time with the FBU and wish them both a very long and happy retirement.

113 FBU Statistical Statement

Region	Brigade	Whole-time	Retained	Total	Levy to FBU	Labour	No Levy	Total	AIF - Yes	AIF - No	Total
Scotland Region - 1	Central	242	152	394	8	299	87	394	390	4	394
	Dumfries/Galloway	117	173	290	3	143	144	290	290	0	290
	Fife	424	86	510	168	249	93	510	504	6	510
	Grampian	413	212	625	20	519	86	625	622	3	625
	Highland & Islands	157	396	553	30	307	216	553	552	1	553
	Lothian and Borders	779	219	998	324	613	61	998	986	12	998
	Strathclyde	2276	391	2667	832	1610	225	2667	2662	5	2667
	Tayside	472	238	710	209	249	252	710	708	2	710
Total		4880	1867	6747	1594	3989	1164	6747	6714	33	6747
Northern Ireland - Region 2	N.I.F.B.	942	796	1738	45	440	1253	1738	1735	3	1738
	Total	942	796	1738	45	440	1253	1738	1735	3	1738
North Eastern Region - 3	Cleveland	584	64	648	172	311	165	648	623	25	648
	Durham Co.	492	179	671	88	487	96	671	670	1	671
	Northumberland Co.	232	167	399	29	340	30	399	397	2	399
	Tyne & Wear	1134	27	1161	159	664	338	1161	1158	3	1161
Total		2442	437	2879	448	1802	629	2879	2848	31	2879
Yorkshire and Humberside Region - 4	Humberside	696	247	943	75	747	121	943	879	64	943
	North Yorkshire	379	171	550	10	300	240	550	529	21	550
	South Yorkshire	956	64	1020	308	494	218	1020	986	34	1020
	West Yorkshire	1661	126	1787	281	861	645	1787	1728	59	1787
	Total	3692	608	4300	674	2402	1224	4300	4122	178	4300
Lancashire- Manchester- Cumbria- Isle of Man Region - 5	Cumbria	290	260	550	13	440	97	550	498	52	550
	GMC	2257	50	2307	363	1425	519	2307	2260	47	2307
	Isle Of Man	5	116	121	0	105	16	121	121	0	121
	Lancashire	1035	331	1366	174	1150	42	1366	1353	13	1366
Total		3587	757	4344	550	3120	674	4344	4232	112	4344
East Midlands Region - 6	Derbyshire	482	304	786	71	572	143	786	781	5	786
	Leicestershire	508	187	695	28	351	316	695	666	29	695
	Lincolnshire	195	295	490	2	422	66	490	481	9	490
	Northamptonshire	314	135	449	85	228	136	449	444	5	449
	Nottinghamshire	630	403	1033	178	591	264	1033	1023	10	1033
Total		2129	1324	3453	364	2164	925	3453	3395	58	3453
West Midlands Region - 7	Hereford/Worcester	358	165	523	29	450	44	523	517	6	523
	Shropshire	202	109	311	2	183	126	311	305	6	311
	Staffordshire	481	300	781	182	474	125	781	768	13	781
	Warwickshire	289	145	434	6	226	202	434	426	8	434
	West Midlands	2137	12	2149	743	1117	289	2149	2121	28	2149
Total		3467	731	4198	962	2450	786	4198	4137	61	4198
Wales Region - 8	Mid & West Wales	549	573	1122	239	842	41	1122	1119	3	1122
	North Wales	374	675	1049	108	833	108	1049	1045	4	1049
	South Wales	980	381	1361	184	1049	128	1361	1341	20	1361
Total		1903	1629	3532	531	2724	277	3532	3505	27	3532

Region	Brigade	Whole-time	Retained	Total	Levy to FBU	Labour	No Levy	Total	AIF - Yes	AIF - No	Total
Merseyside-Cheshire Region - 9	Cheshire	627	176	803	198	562	43	803	793	10	803
	Merseyside	1373	0	1373	253	1067	53	1373	1344	29	1373
	Total	2000	176	2176	451	1629	96	2176	2137	39	2176
Eastern-East Anglia Region - 10	Bedfordshire	347	84	431	91	270	70	431	430	1	431
	Cambridgeshire	225	93	318	17	185	116	318	312	6	318
	Essex	943	280	1223	165	890	168	1223	1202	21	1223
	Hertfordshire	576	165	741	105	531	105	741	730	11	741
	Norfolk	263	146	409	52	315	42	409	389	20	409
	Suffolk	204	166	370	124	227	19	370	352	18	370
	Total	2558	934	3492	554	2418	520	3492	3415	77	3492
London Region - 11	London	6031	0	6031	1281	4219	531	6031	5887	144	6031
	Total	6031	0	6031	1281	4219	531	6031	5887	144	6031
South-Eastern Region - 12	Kent	1002	533	1535	123	913	499	1535	1502	33	1535
	Surrey	695	81	776	16	616	144	776	774	2	776
	East Sussex	422	101	523	7	163	353	523	499	24	523
	West Sussex	394	67	461	30	314	117	461	450	11	461
	Total	2513	782	3295	176	2006	1113	3295	3225	70	3295
Southern Region - 13	Berkshire	434	93	527	51	339	137	527	523	4	527
	Buckinghamshire	348	151	499	40	252	207	499	488	11	499
	Dorset	321	116	437	20	175	242	437	432	5	437
	Hampshire	629	91	720	48	227	445	720	686	34	720
	Isle Of Wight	68	100	168	1	125	42	168	168	0	168
	Oxfordshire	240	179	419	31	177	211	419	388	31	419
	Total	2040	730	2770	191	1295	1284	2770	2685	85	2770
South Western Region - 14	Avon	654	154	808	134	434	240	808	775	33	808
	Cornwall	194	180	374	15	144	215	374	369	5	374
	Devon	490	62	552	47	108	397	552	506	46	552
	Gloucestershire	251	131	382	13	148	221	382	368	14	382
	Somerset	184	255	439	41	337	61	439	437	2	439
	Wiltshire	229	84	313	17	175	121	313	310	3	313
	Total	2002	866	2868	267	1346	1255	2868	2765	103	2868
National Officials		7	0	7	0	7	0	7	7	0	7
	TOTAL	40193	11637	51830	8088	32011	11731	51830	50809	1021	51830

Statistics as at 31st December 2003

114 Terry Parry Memorial

The Fire Brigades Union continues to provide funding through a Deed of Covenant for residential courses for unemployed activists at Ruskin College.

115 Union Trustees

The Executive Council wish to place on record their continued appreciation to Bro. Stan Fitzsimmons, a former President for continuing to serve as a Trustee of the Union in accordance with the provision of the Rule Book.

Due to the long term illness of the other Trustee of the Union, Bro. Stewart Charnley, a former Vice-President and Executive Council Member of the No.4 Region, the Executive Council took the decision on 28th November 2003 following notification of the grave and protracted illness of Bro. Charnley to recommend that Bro. Charnley retire from his position as Union Trustee. The Executive Council wish to place on record their thanks to Bro. Charnley for the duties he carried out as a Trustee of the Union.

Bro. Charnley has been replaced as a Trustee of the Union by Bro. Mick Harper, former President and Executive Council Member of the No.4 Region.

116 National Women's Committee Report

It has been a very difficult time for everybody and the consequence of focusing on the pay campaign has meant that other issues, including some which are of importance to the NWC, have through necessity had to take a back seat. However the NWC has gone from strength to strength and we have played our part in a campaign that has been protracted and difficult. The NWC has, at every opportunity raised the profile of the FBU dispute and in turn we have received fantastic support from women across the movement.

Representatives of the NWC participate in the following Committees:

FBU committees

National Fairness at Work Committee – Kerry Baigent
National Fairness at Work Strategy Group – Kerry Baigent
National Education Committee – Dona Feltham
National Health and Safety Committee – Sian Griffiths
Campaign Coordinators – Kerry Baigent

TUC Committees

TUC Women's Committee – Vicky Knight

Fire Service Committees

ODPM Point of Entry Selection Tests Strategy Group – Vicky Knight 2002-2003/ Kerry Baigent 2003

Conferences/events attended with NWC speaking commitments

Unison Women's Conference

WTUC Eastbourne 13th-15th March 2002 delegation

WTUC Liverpool 12th-14th March 2003 delegation

MSF/AMICUS Women's school 2003

National Assembly of Women AGM 2002 and 2003

Cuba Solidarity Campaign Women's Conference 2003

TUC 8th – 11th September 2003

Other Conferences/events attended by NWC representatives

Regional Women's Committee meetings
Capital Women
EOC Conference 'It's ok to talk about pay'
Respect Festival
Pride
CSC Women's Conference
Sylvia Pankhurst Memorial Lecture
B&EMM School
Gay and Lesbian School
Childcare Challenge Conference
Rights of Women Conference
Sex Discrimination Conference
Discussion Leaders

International

Palestine: A woman speaker from Palestine accepted an invitation to speak to the NWC at a meeting on the 23rd October 2002.

Cuba: During a recent visit to the UK by the Cuban Federation of Women, Dona, Vicky and Kerry met up with them to maintain the positive links that had been made previously.

Colombia: We are in the process of organising a visit from a Colombian woman which is being financially supported by the FBU. This is being organised in conjunction with Justice for Colombia and MSF. The two Comrades are going to be in the UK between 28th Feb and 12th March and will be attending the National Women's School and WTUC.

Schools and events organised by the National Women's Committee

Families and friends on the fireside: The aim of this event was to create an opportunity for friends and families of FBU members to get together, support each other and to form a network for the future. The event was chaired by Dona Feltham. The speakers for the event were: Ruth Winters, Andy Gilchrist, Kerry Baigent, Women of the Waterfront, Global Women's Strike and Mary Davis. Despite a low turnout lots of questions were asked and the Northwest women went away with contacts and some idea of progression. The NWC would like to thank all of the speakers and Keith Handscomb, Dean Mills and Tam McFarlane for their support.

Annual Women's School 8th-10th March 2002:
40 Students attended

Annual Women's School 11th-15th April 2003:
50 Students attended along with 35 Children.

Documents produced by the National Women's Committee

'Family Friendly Smokescreen'

'Report from the NWC to the Fire Brigades Union reference changes to the 2.2.3 shift system'

'Childcare provision within the FBU'

'Review of childcare policy – response by the NWC'

Maternity Policy

Please see the FBU website for copies of these documents.

The National Women's Committee also wrote the following documents which have been forwarded as FBU proposals for inclusion within a revised Grey Book:

- Job Share
- Parental Leave
- Career Breaks

117 Women Members AGM

The Annual General Meeting of Women Members Representatives was held at Wortley Hall on 19th November 2003. The meeting agreed the following resolutions:

1. A WOMAN'S RIGHT TO CHOOSE

This Annual General Meeting acknowledges that the 1967 abortion law was a huge step forward but it does not go far enough. The current law does not allow a woman the right to choose, the grounds for abortion are badly defined, the system will delay abortion, it does NOT ensure adequate provision of abortion services and it does not extend to Northern Ireland. This Annual General Meeting demands that we actively support campaigns such as the NAC and the Trade Union Campaign Voice for Choice.

This Annual General Meeting also supports these principles:

- To change the law to allow women the right to decide for themselves whether or not they are ready for motherhood up to and including 14 weeks of pregnancy
- To make abortion available with only one doctors approval from 15-24 weeks of pregnancy
- To place a duty on doctors to declare their conscientious objection to abortion and to refer to another doctor immediately
- To extend this amended act to Northern Ireland
- To place a duty on the National Health Service to provide adequate abortion service for local needs
- To establish sexual health and abortion information in Trade Union Publications

REGION 10

Amendment

Line 11 **delete** : "from 15 – 24" **add** : "after 15"

In Line 17 after "service" **add** "to include the provision of counselling/support network before and after the abortion has taken place".

Delete rest of line.

At end of resolution, **add** new bullet point:

"Once these principles are all in place to lower the approval period from 15 – 24 weeks of pregnancy to 20 weeks".

REGION 11

2. FLEXIBLE WORKING, PART TIME AND JOB SHARE

This Annual General Meeting demands that where our Members request to have flexible, part time or Job Share arrangements that it is not to the detriment of the establishment or the individual members concerned. The member is not to be used to cover shortfalls in establishment using overtime, shift swaps at short notice or any other scheme recommended as family friendly. Brigade Officials to be fully involved with all requests from our members when they ask to change to family friendly working arrangements and Region and FBU Head Office to monitor these requests.

REGION 13

3. FLEXIBLE WORKING

This Women's National Committee notes the Employer's acceptance of the 'Bain' proposals to impose shifts which appear 'Flexible' simply to cover establishment deficiencies.

We support flexible working for the benefit of women, men and their families as agreed by the individual and the Employer within a framework negotiated by the FBU.

REGION 11

4. CHILD CARE

This Annual General meeting demands that the Executive Council continues to investigate the concept of childcare for our Retained and Wholetime members who have the responsibility of childcare which encroaches on their working lives. The provision of a child-minder or shared crèche has and is used in other "family friendly" countries and since our Employers and the Government have claimed recently that they are "family friendly" surely this is the best time to demand that they honour their claim.

REGION 1

Amendment

At the beginning of the resolution **insert** "In line with Family Friendly Policies this"

Delete "This"

Line 1 **after** "to" **add** "insist that Brigades"

Line 2 **delete** "investigate the concept of" and insert "recognise the urgency of providing access to suitable and affordable"

Line 3 **after** "childcare" **add** "and dominates all decisions made affecting their working life, often detrimentally to the members career development"

Delete rest of sentence

REGION 11

5. CONDITIONS OF SERVICE

This Annual General Meeting is appalled at the Employers' continual use, of the need to recruit more women in the Fire Service as an excuse to make changes to our conditions of service, in particular the shift patterns. This is immediately discredited by the fact the Emergency Fire Control Staff, predominantly women, have enjoyed this shift pattern for the past 25 years, and which assists with family life.

We call upon the Executive Council to immediately make clear to the Employers that, to use women as an excuse for any proposed detrimental changes to our conditions of service is not only cowardly but transparently divisive.

REGION 9

6. NATIONAL WOMENS SCHOOL

This Annual General Meeting demands that the National Education Committee include provision for further Women's Schools to be held in different Regions as an integral part of the National Education Programme.

This will remove many obstacles that prevent our Women Members attending Women's Schools and it will offer more choice and therefore more Education for all of our Members.

Region 13

7. ACTIONS ON RESOLUTIONS

This Annual General Meeting/Conference recognises that when resolutions and draft policies are passed through National Committees to the Executive Council, there are no time limits set by the Executive Council for them to be actioned.

Therefore, we call on the Executive Council to ensure that when a resolution and draft policy submitted by the National Women's Committee is passed and agreed at Executive Council level, it will be acted upon within twelve months and that interim progress reports will be made to the National Women's Committee when available.

REGION 9

Amendment

In line 6 **after** the word "interim" **insert** the word "quarterly"

In line 7 **delete** "when available" and **insert** "as a matter of urgency"

REGION 11

Section

Education

118 Introduction

Over the period in review, there was an extremely strong education programme throughout the dispute and in the second half of 2003.

It involved Officials and other FBU representatives at all levels in the Union and subjects covered included health and safety, fairness at work, politics and integrated risk management planning.

While the 2002 National School was cancelled, the Annual Women's School, the Annual B&EMM School and the Annual Gay and Lesbian School were held during the period under review and most of the scheduled Branch Officials Schools took place.

In addition, a string of seminars for Campaign Co-ordinators and other Officers were held.

Furthermore, in the second half of 2003, a programme of seminars was held on Integrated Risk Management Planning, which involved Officials at all levels of the Union.

As instructed by the Executive Council, a review of the FBU's education policy was started by the National Officer with responsibility for education. But due to workloads associated with the pay campaign and dispute, the review was still ongoing at the end of 2003.

119 B&EMM School

The 2003 B&EMM School took place on 10-12 October in Wortley Hall, Sheffield, attracting 72 students, 5 tutors, 13 guests/observers and a number of FBU officials.

Fri 10th Oct.

Started at 2pm with the B&EMM National Chair, Paul Ahmed, officially opening the 9th B&EMM School. As October is the UK Black History Month, we had a session on historical black issues and people. This was in the form of a quiz and it got very competitive amongst the students! This led into a workshop on the lack of black history in the British education system in the past and even now. Dinner was at 6pm, and at 7.30pm we had a Q&A discussion on the recent Pay Campaign and Dispute. National Officer John McGhee and B&EMM EC Member Michael Nicholas fielded questions from the students. There was also a presentation from London B&EMM. The School finished around 9.30pm.

Sat 11th Oct.

Just after 9am we welcomed our first guest speaker. He was Aamer Anwah from the Chokah Family Campaign. The Campaign has been based in the FBU Region 1 office in Glasgow. Aamer spoke on the campaign for justice and also about asylum and refugee issues in Scotland. At 10.30am we split

the School into four groups and had workshop based sessions on four subjects. These were; Media Stereotypes of Black & Ethnic People/ F.A.W & the Fire Service/FBU Structure & B&EMM/ Mixed Race & Culture Relationships. Leading up to lunch we also had a film presentation from Simon Green (sacked member from Hampshire) and Lud Ramsey (B&EMM Rep 13) on the Anti-Racism event in Manchester and the Respect event in London this year. After lunch we returned to the workshops until around 4pm. Our next guest speaker came from the USA. He was one of two Black Chief Officers who were from the International Association Of Black Professional Firefighters (IABPFF) and visiting the UK for 10 days. His name was Gerald Simon from Oakland and his presentation was excellent and warmly received by all who were present. After some feedback from the earlier workshops, the School ended for the day.

Sun 12th Oct.

Started the day with a tutors report on the School so far, followed by Carl St Paul giving the B&EMM National Secretary report. After a short break we had the B&EMM Honours & Achievements session where we acknowledged our members efforts and awards in the last 12 months. Our next two guest speakers followed. They were Curtis Maffett (IABPFF) and Linda Bellos (Equal Opportunities Campaigner). We presented all our guests with FBU gifts and it was a special moment to present ex-FBU Research Officer Phillippa Clarke with a gift and a donation towards the Sylvia Pankhurst Memorial Statue on behalf of B&EMM. National V-Chair Samantha Gordon closed the School at 1.30pm.

120 Branch Officials Schools

The following Branch Officials Schools were held in 2002:

Southampton (8-10 February),
Glasgow (5-7 March),
Belfast (22-24 March),
Sheffield (9-11 April)
London – Fairness at Work (19-21 April)
Eastbourne – Health & Safety (29 April- 1 May)
London (28-30 May)

121 Gay and Lesbian School

2002

25 Students from nine Brigades around the UK gathered at Wortley Hall in Sheffield in October for the Annual School of Gay, Lesbian, Bi-sexual and Transgender Members of the FBU, to be educated in many subjects and to network with fellow Control Staff members and Firefighters.

We had three days on various Union issues and we also had a special guest who was seeking asylum in the UK and obviously fighting hard to stay in this country as his own, Jamaica, was persecuting him on a daily basis for just being gay.

We offered support and assistance to Alex and wished him all the best with his application for asylum.

It was agreed that we should look into the possibility of holding a joint School with ASLEF next year so as to utilise all facilities at Wortley Hall for LGBT Trade Unionists.

2003

The Annual Gay and Lesbian School, held at Wortley Hall on October 17th 2003, was the first to be organised jointly with gay and lesbian members from the train drivers union ASLEF.

After the usual registration and welcome to members, a brief history of the Gay and Lesbian Section was given, providing information on how the group had formed and evolved. We had a mixture of experience from the FBU as well as ASLEF members. It was hoped that the group would gain both a better understanding of why and how the group had developed as well as what issues we covered and achievements we had made.

Later, we heard a summary of the future plans for the Fire Service and information on the modernisation agenda. This included integrated risk management planning and other current topics.

Day two started with a workshop on building confidence, followed by sessions on workplace issues. Both proved to be areas within which more work and information could take place in the future.

Later in the day Employment Law within the gay and lesbian community was covered by a visiting guest. We were brought up to date on rights for gay and lesbian people as well as what the future might hold.

The day finished with a talk from an organisation called Broken Rainbow, who deal with domestic violence as far as it affects the lesbian, gay, bisexual and transgender (LGBT) community. This session highlighted a gap currently within the LGBT community when help related to domestic violence is needed.

Day three kicked off with guest speakers from the Department of Trade and Industry Women's Equality Unit. They delivered a presentation on the new arrangements being prepared for civil partnerships.

We finished with a look at an international issue. Gerard Kelly from NATFHE, the university and college lecturers' union, gave a presentation on Colombia, focusing in the lack of human rights for trade unionists.

122 IRMP Training Seminars

The FBU has long recognised that the shift from prescriptive national standards of fire cover to risk-based emergency cover planning (the expected outcome of the Review of Standards of Emergency Cover) would have a considerable training implication for the Fire Service generally, and for FBU Officials at all levels of the Union.

The introduction of IRMPs – a hybrid of the Standards of Emergency Cover review - extends this training requirement, due to the added requirement within IRMPs that Fire Authorities should “balance” emergency response resources with protective and preventative resources.

The training seminars were open to Brigade and Regional level Officials, including Sectional Officials and IRMP Co-ordinators. Among those attending were the President and the FBU National Fire Safety Advisor.

The seminars aimed to provide an introduction to IRMPs, covering their key elements. The seminars were a mixture of plenary input, group exercises and

discussion, and have also discussed the ‘local’ organisational aspects needed for an effective FBU strategy. The seminars attempted to give students ‘strategic direction’ for local ‘Preliminary Observations’ documents.

Students were provided with individual folders and copyrighted FBU student notes. These notes have been updated by direct mailings to students at their home addresses as further information has become available and/or revisions to previous FBU notes become necessary.

An evaluation of knowledge, understanding and confidence in respect of IRMPs was undertaken by each student at the end of each seminar. Almost without exception students indicated that they had found the seminar to be hugely beneficial, and they felt far more confident in their understanding and approach to IRMPs.

The FBU ran the following National 3-day Residential Training Seminars on IRMPs in 2003:

London (11 – 13 August)
Manchester (20– 22 August)
Newcastle (1 – 3 September)
Glasgow (24 – 26 September)
Cardiff (22 – 24 October)
Cardiff (29 – 30 October)
Cambridge (1 – 3 December)
Bournemouth (10 – 12 December)

Additionally the FBU ran the following two-day Residential Training Seminars on IRMPs in 2003:

Cardiff - Executive Council IRMP (6-7 October)
Cardiff - Regional IRMP Co-ordinators (7-8 October)

123 National Education Grants

The Executive Council are pleased to report the continuance of the national education grant system to those members undertaking Trade Union related studies in Higher Education.

124 National School

The National School set for 2002 was cancelled as a result of the demands of the pay campaign.

However, in 2003, a special National "Political" School was held, attracting 56 students. It focused on issues around the pay campaign and dispute, while also looking at Labour Party affiliation and what was meant by "the politics of change".

Professor Mary Davis was the tutor and National Officer John McGhee, who has responsibility for education, was present throughout. Unfortunately, due to commitment relating to National Pay Negotiations, General Secretary Andy Gilchrist was unable to attend the School.

Among the guest speakers were Professor Frank Burchill, NJC Independent Chair, who gave a blow by blow account of the pay dispute from his perspective.

John Kelly, Professor of industrial relations at the London School of Economics, also attended, and together with Mary Davis, helped set the national, international and historical context of the pay dispute and links between trade unions and social democratic parties.

125 TUC Day Release and Extended Course

The availability of courses for members of affiliated unions continued during the two years of this report, but there was sporadic use of them, with some Regions being more active than others. Details of TUC courses are available from Regional Education Officers together with the appropriate application forms.

126 Tutors

The Executive Council would wish to thank our Tutors and Officials for their assistance and hard work throughout the year. The Executive Council would like to thank Tutors Ian Reekie and Mick McGrath, in particular, for their invaluable support.

127 Union Learning Funds

Established by the Labour Government, the Union Learning Fund is a resource which helps trades union members access training and learning opportunities in the workplace.

A number of successful bids were made in the period under review.

In Region 3, successful funding from the Union learning fund has enabled the FBU learning centre in Northumberland to provide over 150 members with IT skills at various levels. The centre has achieved quality status through Matrix and is an authorised accreditation centre for the European Computer Driving Licence. Other courses have included learning in the areas of literacy and numeracy. Further funding has been agreed for the next 12 months.

In Region 1, the pilot project in Fife and Lothian & Borders has seen over 20 members become learning reps and courses have been provided or sourced for nearly 200 members. These have included language courses, ECDL and basic IT skills and sign language. Further funding has been agreed for the next two years which will see it expanded throughout the Scottish Fire Service.

Also, a National bid was submitted to the Learning Skills Council to promote lifelong learning throughout the FBU. An outcome was expected early 2004.

In conjunction with the Union's tutors and the TUC Education Department the Executive Council will assist Regions to compile bids where desired.

128 Women's National School

2002

The Fifth National Women's school and built on the success of previous Schools with the numbers of women attending grew.

Tutors were Marilyn Lawrenson and Lorene Fabian

The National Women's Committee agreed that running workshops in 2001 was successful in two areas:

1. Women had the opportunity to pick out a subject that really interested them
2. Different levels could be applied within one School meaning experienced members were learning something new and new members weren't missing out on essential information.

Therefore the School ran six workshops and they were:

- Maternity
- Harassment and Awareness
- FAW phase two
- Pensions
- Campaigning
- FBU Structures

In addition to workshops the National Women's Committee organised several plenary sessions that we hoped would interest all members

Plenary sessions:

- A woman speaker from Colombia
- Health and Safety
- United Friends and Family Campaign with a showing of the video 'Injustice'
- Pay campaign Andy Gilchrist

The students watched a video called 'Injustice', a hard hitting powerful video about the violent deaths of several black men at the hands of the police and the following day took part in a discussion workshop presented by Brenda Weinburg, the sister of Brian Douglas, one of those murdered.

The subject matter touched everyone's hearts and the School decided there and then to do something positive and practical to help. So the following resolution was voted upon and carried and in the interim a collection was undertaken which raised over £300.00.

FBU Women's School 9th March 2002 - Resolution to support the 'United Families and Friends Campaign'

Resolution

This Women's School asks that the National Women's Committee EC Member demands that the FBU EC continuously support 'United Families and Friends Campaign' (UFFC) in the following ways;

1. *By donating at least £1000.00*
2. *Affiliating to the organisation*
3. *Invite representatives of the organisation to Annual Conference, Schools and Regions*
4. *Hold collections at every available opportunity.*
5. *Encourage other Trade Unions to support the UFFC.*

The School reviews for this School were fantastic and we believe women left feeling enthused, motivated and better equipped to deal with some of the issues that they face in the workplace.

2003

The 6th Annual Women's School, held at Wortley Hall, 11-13 April, saw the number of students increase yet again to 50.

Tutors were Marilyn Lawrenson and Lorene Fabian

As the 2003 School ran in the middle of the pay dispute, the NWC decided that the focus of the School would be about campaigning and organising. Therefore some of the workshops and plenary sessions were organised specifically for women during the dispute.

Workshops

- Campaigning
- Are women 'Levers for change'?
- Find your voice
- Assertiveness
- Women's Health and Safety

Plenary Sessions

- Stop the War – Ghada Rasuki
- Palestine – Linda Smith
- How we organise
- Domestic Violence
- Legislation update from the National Gay and Lesbian Committee
- A transsexual speaker

We also ran a maternity surgery in the evening for women who had queries or problems in the workplace.

The crèche was run by 'Playtimes' and was fantastic. They had 35 children to take care of and they organised a talent competition for the evening. The NWC always use 'Playtimes' as many of the children now know the workers and trust them. This means that the women can relax and take part in the sessions without worrying.

The Schools reviews were fantastic with some useful pointers from the students for next year.

129

WEA/ILO

Study Days

Two officials attended in both 2002 and 2003 this course which provides a useful insight into the workings of the International Labour Organisation.

Section

Accounts for the Year Ended 31 December 2002

130 Financial Statement

Trade Union Law requires the Executive Council to prepare financial statements for each financial year which give a true and fair view of the state of the union's affairs and of the surplus or deficit of the union for that year. In preparing those financial statements the Executive Council is required to:

- a) Select suitable accounting policies and then apply them consistently;
- b) Make judgements and estimates that are reasonable and prudent;
- c) Prepare the financial statements on the going concern basis unless it is inappropriate to presume that the union will continue to operate.

The Executive Council is also responsible for keeping proper accounting records which disclose with reasonable accuracy at any time, the financial position of the union and to enable them to ensure that the financial statements comply with the Trade Union and Labour Relations (Consolidation) Act 1992. It must also establish and maintain a satisfactory system of control over its accounting records, its cash holdings and all its receipts and remittances. It is also responsible for safeguarding the assets of the union and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

We have audited the financial statements of the Fire Brigades Union for the year ended 31 December 2002 which comprise the Consolidated Income and Expenditure Account, Balance Sheet, Cash Flow Statement and the related notes. These financial statements have been prepared under the historical cost convention and the accounting policies set out therein.

Respective responsibilities of the Executive Council and auditors

The Executive Council's responsibilities for preparing the financial statements in accordance with applicable law and United Kingdom Accounting Standards are set out in the Statement of the Executive Council's Responsibilities.

Our responsibility is to audit the financial statements in accordance with relevant legal and regulatory requirements and United Kingdom Auditing Standards.

We report to you our opinion as to whether the financial statements give a true and fair view and are properly prepared in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992. We also report to you if the union has not kept proper accounting records or if we have not received all the information and explanations we require for our audit.

Basis of audit opinion

We conducted our audit in accordance with United Kingdom Auditing Standards issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and judgements made by the Executive Council in the preparation of the financial statements, and of whether the accounting policies are appropriate to the union's circumstances, consistently applied and adequately disclosed.

We planned and performed our audit so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or other irregularity or error. In forming our opinion we also evaluated the overall adequacy of the presentation of information in the financial statements.

Opinion

In our opinion the financial statements give a true and fair view of the state of the union's affairs as at 31 December 2002 and of its deficit for the year then ended and have been properly prepared in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992.



Hard Dowdy

Registered auditors

10 July 2003

Consolidated Income And Expenditure Account

For The Year Ended 31 December 2002

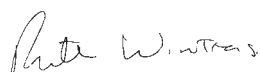
	Note	2002 £	2001 £	General Fund £	Accident & Injury Fund £	Political Fund £	Officials' Pension Fund £
Income							
Contributions	1a	10,411,288	10,007,619	8,716,031	1,432,660	231,349	31,248
Investment Income		148,639	177,656	39,387	80,506	11,776	16,970
Sales of Publications and Merchandise		3,284	4,664	3,284	–	–	–
Support Fund		63,628	–	63,628	–	–	–
VAT Recoverable		10,349	12,634	10,349	–	–	–
		<u>10,637,188</u>	<u>10,202,573</u>	<u>8,832,679</u>	<u>1,513,166</u>	<u>243,125</u>	<u>48,218</u>
Expenditure							
Benefits	2	1,518,313	1,684,031	795,209	723,104	–	–
Conferences and Meetings	3	441,793	397,289	430,933	–	10,860	–
Affiliations		192,064	186,948	141,483	–	50,581	–
'Firefighter'		149,432	133,910	149,432	–	–	–
Commissions	4	185,052	211,018	111,877	48,604	24,571	–
Administration	5	9,088,287	5,911,250	8,584,856	269,479	70,663	163,289
Depreciation and Loss on Disposal of Fixed Assets and Investments	1b	858,958	369,151	663,212	159,555	23,265	12,926
Transfer of Funds		–	–	226,745	–	–	(226,745)
		<u>12,433,899</u>	<u>8,893,597</u>	<u>11,103,747</u>	<u>1,200,742</u>	<u>179,940</u>	<u>(50,530)</u>
(Deficit) / surplus for the year		(1,796,711)	1,308,976	(2,271,068)	312,424	63,185	98,748
Surplus brought forward		8,675,605	7,366,629	4,331,942	3,276,065	492,090	575,508
Surplus carried forward		<u>6,878,894</u>	<u>8,675,605</u>	<u>2,060,874</u>	<u>3,588,489</u>	<u>555,275</u>	<u>674,256</u>

Consolidated Balance Sheet
As At 31 December 2002

	Note	2002 £	2002 £	2001 £	2001 £
Fixed Assets	6		2,674,001		2,044,721
Investments	7		2,654,857		3,125,996
Current Assets					
Stock		35,000		35,000	
Debtors and Prepayments		1,187,306		1,200,480	
Deposits with Solicitors		704,869		562,542	
Cash at Bank and in Hand and with Stockbrokers		478,548		2,209,073	
		<u>2,405,723</u>		<u>4,007,095</u>	
Less Current Liabilities		855,687		502,207	
Net Current Assets			<u>1,550,036</u>		<u>3,504,888</u>
Total Assets			<u>6,878,894</u>		<u>8,675,605</u>
Financed By					
Total Funds			<u>6,878,894</u>		<u>8,675,605</u>



A. GILCHRIST – GENERAL SECRETARY



R. WINTERS – PRESIDENT

Cash Flow Statement

For The Year Ended 31 December 2002

	2002 £	2001 £
Reconciliation of Operating Results to Net Cash (Outflow) / Inflow from Operating Activities		
General Fund (Deficit) / Surplus	(2,271,068)	542,919
Accident and Injury Fund Surplus	312,424	547,456
Political Fund Surplus	63,185	50,860
Officials' Pension Fund Surplus	98,748	167,741
Depreciation Charges and Loss on Disposal of Fixed Assets and Investments	858,958	369,151
Decrease in Stock	–	35,000
Decrease in Debtors	13,174	208,952
Increase / (Decrease) in Creditors	353,480	(175,395)
Net Cash (Outflow) / Inflow from Operating Activities	(571,099)	1,746,684
Cash Flow Statement		
Net Cash (Outflow) / Inflow from Operating Activities	(571,099)	1,746,684
Purchase of Fixed Assets	(1,290,751)	(591,235)
Sale of Fixed Assets	75,384	15,050
Purchase of Investments	(467,071)	(2,469,782)
Sale of Investments	665,339	296,794
	(1,588,198)	(1,002,489)
Reconciliation of Net Cash Flow to Movement in Cash		
(Decrease) in Cash in the year	(1,588,198)	(1,002,489)
Net Cash as at 1 January 2002	2,771,615	3,774,104
Net Cash as at 31 December 2002	1,183,417	2,771,615

Notes To the Accounts

For The Year Ended 31 December 2002

1 Accounting Policies

- a) Contributions include those amounts collectable from members in respect of the year under review.
- b) Depreciation has been provided on fixed assets at rates sufficient to write them off over their estimated useful lives as follows:

Buildings	2.5% per annum
Computer Equipment	25% per annum
Fixtures and Fittings	10% or 20% per annum
Motor Vehicles	25% per annum

2 Benefits

	2002 £	2001 £
Legal Fees	530,532	576,900
Education	264,677	232,780
Accidents and Injury Claims	723,104	705,541
Payments for Support	—	168,810
	1,518,313	1,684,031

3 Conferences

Conferences and Meetings	438,219	395,105
Foreign Delegates	3,574	2,184
	441,793	397,289

4 Commissions

Local Authorities	123,411	122,806
Membership	61,641	88,212
	185,052	211,018

Notes To the Accounts

For The Year Ended 31 December 2002

5 Administration

	2002 £	2001 £
Salaries, National Insurance and Pension Contributions	1,215,970	1,152,262
Honoraria	85,146	78,626
Travelling	1,553,291	830,821
Hotels and Subsistence	1,054,664	757,531
Motor Expenses	274,759	253,107
Other Organising Expenses	483,342	452,392
Reports and Journals	52,812	57,799
Ballot Expenses	73,611	13,937
Donations	114,802	261,257
Goods for Resale and Presentations	40,713	19,697
Repairs and Renewals	87,494	97,238
Office Expenses	494,599	503,118
Communications	976,885	548,554
Printing and Stationery	911,835	357,879
Advertising	111,471	104,723
Insurance	49,787	44,223
Bank Charges	28,148	17,400
Audit and Accountancy	21,143	20,739
Professional Fees	420,277	339,947
Campaigning	1,037,538	–
	<u>9,088,287</u>	<u>5,911,250</u>

6 Fixed Assets

	Land & Buildings £	Fixtures Fittings & Equipment £	Motor Vehicles £	Total £
Cost				
1 January 2002	1,709,739	1,357,353	162,578	3,229,670
Additions	197,500	926,719	166,532	1,290,751
Disposals	–	(223,092)	(172,323)	(395,415)
31 December 2002	<u>1,907,239</u>	<u>2,060,980</u>	<u>156,787</u>	<u>4,125,006</u>
Depreciation				
1 January 2002	390,412	730,775	63,762	1,184,949
Charged	35,428	476,582	39,197	551,207
Disposals	–	(223,092)	(62,059)	(285,151)
31 December 2002	<u>425,840</u>	<u>984,265</u>	<u>40,900</u>	<u>1,451,005</u>
Net Book Value				
31 December 2002	<u>1,481,399</u>	<u>1,076,715</u>	<u>115,887</u>	<u>2,674,001</u>
Net Book Value				
31 December 2001	<u>1,319,327</u>	<u>626,578</u>	<u>98,816</u>	<u>2,044,721</u>

Notes To the Accounts

For The Year Ended 31 December 2002

7 Investments at Cost

	2002 £	2001 £
Quoted Equities and Unit Trusts		
Newton Investment Management Ltd – Market Value – £850,131 (2002), £1,687,298 (2001)	1,130,013	1,875,453
Newton Investment Management Ltd – Market Value – £229,420 (2002), £293,689 (2001)	310,011	326,480
Unquoted Equities		
240,000 Unity Trust plc Ordinary Shares	240,000	240,000
Labour Education, Rec. And Holiday Homes Ltd.	530	530
Loans – Co-op Societies		
CRS London Ltd.	35	35
Peoples Press Printing Society Ltd.	14,500	10,500
Loans		
Merseyside Trade Union Centre	10,000	10,000
Scottish TUC	3,000	3,000
Mortgages	946,768	659,998
	<u>2,654,857</u>	<u>3,125,996</u>

8 Pension Scheme Contributions

The union operates two defined benefit schemes in the United Kingdom, the first in respect of national officials and the second for clerical staff. A full actuarial valuation on the first scheme was carried out on 1 November 1999 and the second scheme on 1 July 1999 by qualified independent actuaries. Both of these have been updated to 31 December 2002. Contributions during the year totalled £212,399 (2001 - £164,458).

This represents 34% of pensionable pay in respect of national officials' and 27.2% for clerical staff. The trustees of the respective schemes have agreed with the employer that these rates will remain in force subject to future actuarial reviews.

The major assumptions used by the actuaries were as follows:

	National Officials' Scheme 2002	National Officials' Scheme 2001	Clerical Staff Scheme 2002	Clerical Staff Scheme 2001
Rate of increase in salaries	4.40%	4.70%	3.50%	4.10%
Rate of increase of pensions in payment	2.40%	2.70%	2.30%	2.60%
Discount Rate	5.40%	5.80%	5.50%	5.80%
Inflation Rate	2.40%	2.70%	2.30%	2.60%

The assets in the scheme at 31 December 2002 were:

	£	£	£	£
Cash Accumulation Policy	–	–	1,011,000	981,000
With Profits Policy	1,148,000	983,000	–	–
Secured Annuities	2,258,000	2,142,000	455,000	575,000
	<u>3,406,000</u>	<u>3,125,000</u>	<u>1,466,000</u>	<u>1,556,000</u>
Total Market Value of Assets	3,406,000	3,125,000	1,466,000	1,556,000
Present Value of Scheme Liabilities	3,077,000	2,785,000	1,826,000	1,700,000
	<u>329,000</u>	<u>340,000</u>	<u>(360,000)</u>	<u>(144,000)</u>
Surplus (Deficit) in the scheme	329,000	340,000	(360,000)	(144,000)

Notes To the Accounts

For The Year Ended 31 December 2002

8 Pension Scheme Contributions (continued)

Total operating charge

	£
Current service cost	(219,000)
Past service cost	—
Settlements	—
Curtailments	—
	(219,000)
Contributions	212,000
Finance income	
Expected return on pension scheme assets at 1 January 2002	307,000
Expected increase in scheme liabilities in year	(265,000)
	42,000
Actuarial loss	
Difference between actual and expected investment returns (3.80% of scheme assets)	(184,000)
Difference between actual and expected charges in liabilities (1.20% of scheme liabilities)	61,000
Change in actuarial assumptions (2.80% of scheme liabilities)	(139,000)
	(262,000)
Decrease in surplus in year	(227,000)

9 Taxation

The union is not liable to tax on income from its members. Taxation is payable to the extent that investment income and capital gains exceed allowable provident benefits.

10 Firemens' Pension Scheme

The costs of the legal action to apply the Part-Time Workers Regulations to retained Firefighters to provide access to the Firemens' Pension Scheme in the sum of £155,000 was paid in February 2003.

The union is currently considering an appeal against the decision of the Employment Tribunal.

Analysis of Officials' Salaries and Benefits

For The Year Ended 31 December 2002

Salaries

Name	Office Held	Gross Salary £	Equivalent Rank
Andy Gilchrist	General Secretary	52,569	Senior D.O.
Mike Fordham	Assistant General Secretary	48,681	D.O.I
Mike Lawson	National Officer	45,705	D.O.II
Dave Patton	National Officer	45,705	D.O.II
Geoff Ellis	National Officer	45,705	D.O.II
John McGhee	National Officer	45,705	D.O.II

Note: All National Officials' salaries are in line with Fire Service ranks, endorsed by Annual Conference.

Benefits

Name	Office Held	Employer's N.I. Cons. £	Employer's Pension Cons. £	Benefits In Kind £
Andy Gilchrist	General Secretary	5,649	17,873	11,359
Mike Fordham	Assistant General Secretary	5,191	16,551	7,406
Mike Lawson	National Officer	4,840	15,540	13,464
Dave Patton	National Officer	4,840	15,540	11,602
Geoff Ellis	National Officer	4,840	15,540	14,244
John McGhee	National Officer	4,840	15,540	11,373

Note: All National Officials pay a pension contribution of the amount specified in the Firefighters' Pension Scheme of 11% and receive a pension comparable to equivalent Officers of the Fire Service.

Members of the Executive Council

Benefits

Name	Office Held	Honoraria Salary £	Car Allowance £
M. Harper	President (to 31.05.02)	691	3,342 (car and fuel benefit)
R. Winters	E.C and Vice President (to 30.06.02) and President from 01.07.02	869	815
P. Micallef	E.C and Vice President (from 01.07.02)	794	815
B. Joyce	E.C and National Treasurer	794	815

The following Executive Council members were paid honoraria at the rate of £794 per annum and car allowance benefit at the rate of £815 per annum:

J. Barbour	S. Paine
J. Ford	M. Shaw
A. McLean	P. Skinley
J. McDonald	M. Smith
M. Nicholas	E. Thornton
D. Green	V. Knight
J. Leighton	D. Whatton
K. Handscomb	M. Butterfield
V. Salmon	

Note: The Honoraria paid to Officials is in accordance with Rule 28. The Union made reimbursement to local Authorities of £175,626 in respect of Loss of Pay in connection with Trade Union duties by certain Executive Council Members.

Section

Accounts for the Year Ended 31 December 2003

131 Foreword

The Union's Consolidated Income and Expenditure Account details a 2003 deficit of £358,152 compared to a 2002 deficit of £1,796,711.

The General Fund details a deficit of £835,230, whilst the Accident and Injury Fund and the Political Fund detail surpluses of £373,466 and £102,632 respectively.

Income has decreased slightly by £90,729, which is mainly due to a decrease in investment income.

Expenditure has decreased significantly by £1,529,288, which is mainly due to lower pay campaigning expenditure.

The 2003 consolidated deficit of £358,152 has resulted in a surplus carried forward of £6,520,742.



ANDY GILCHRIST
General Secretary



DAVE WHATTON
National Treasurer

union for that year.

In preparing those financial statements the Executive Council is required to:

- Select suitable accounting policies and then apply them consistently;
- Make judgements and estimates that are reasonable and prudent;
- Prepare the financial statements on the going concern basis unless it is inappropriate to presume that the union will continue to operate.

The Executive Council is also responsible for keeping proper accounting records which disclose with reasonable accuracy at any time, the financial position of the union and to enable them to ensure that the financial statements comply with the Trade Union and Labour Relations (Consolidation) Act 1992. It must also establish and maintain a satisfactory system of control over its accounting records, its cash holdings and all its receipts and remittances. It is also responsible for safeguarding the assets of the union and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

Statement Of The Executive Council's Responsibilities

Trade Union Law requires the Executive Council to prepare financial statements for each financial year which give a true and fair view of the state of the union's affairs and of the surplus or deficit of the

132 Financial Statement

Independent Auditors' Report to the members of the Fire Brigades Union

We have audited the financial statements of the Fire Brigades Union for the year ended 31 December 2003 which comprise the Consolidated Income and Expenditure Account, Balance Sheet, Cash Flow Statement and the related notes. These financial statements have been prepared under the historical cost convention and the accounting policies set out therein.

This report is made solely to the members in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992. Our audit work has been undertaken so that we might state to the members those matters we are required to state to them in an auditors' report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the union and the members as a body for our audit work, for this report, or for the opinions we have formed.

Respective responsibilities of the Executive Council and auditors

The Executive Council's responsibilities for preparing the financial statements in accordance with applicable law and United Kingdom Accounting Standards are set out in the Statement of the Executive Council's Responsibilities.

Our responsibility is to audit the financial statements in accordance with relevant legal and regulatory requirements and United Kingdom Auditing Standards.

We report to you our opinion as to whether the financial statements give a true and fair view and are properly prepared in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992. We also report to you if, in our opinion, the foreword to the Financial Statement 2003 is not consistent with the financial statements, if the Union has not kept proper accounting records or if we have not received all the information and explanations we require for our audit.

Basis of audit opinion

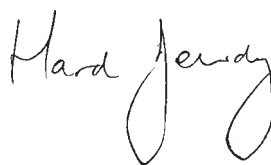
We conducted our audit in accordance with United Kingdom Auditing Standards issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and

judgements made by the Executive Council in the preparation of the financial statements, and of whether the accounting policies are appropriate to the union's circumstances, consistently applied and adequately disclosed.

We planned and performed our audit so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or other irregularity or error. In forming our opinion we also evaluated the overall adequacy of the presentation of information in the financial statements.

Opinion

In our opinion the financial statements give a true and fair view of the state of the union's affairs as at 31 December 2003 and of its deficit for the year then ended and have been properly prepared in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992.



HARD DOWDY

Registered auditors

14 April 2004

Consolidated Income And Expenditure Account

For The Year Ended 31 December 2003

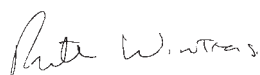
	Note	2003 £	2002 £	General Fund £	Accident & Injury Fund £	Political Fund £	Officials' Pension Fund £
Income							
Contributions	1a	10,398,350	10,411,288	8,687,839	1,443,201	235,652	31,658
Investment Income		75,425	148,639	21,662	36,323	5,731	11,709
Sales of Publications and Merchandise		2,331	3,284	2,331	–	–	–
Support Fund		65,969	63,628	65,969	–	–	–
VAT Recoverable		4,384	10,349	4,384	–	–	–
		<u>10,546,459</u>	<u>10,637,188</u>	<u>8,782,185</u>	<u>1,479,524</u>	<u>241,383</u>	<u>43,367</u>
Expenditure							
Benefits	2	1,505,338	1,518,313	749,839	755,499	–	–
Conferences and Meetings	3	525,873	441,793	525,375	–	498	–
Affiliations		200,754	192,064	144,799	–	55,955	–
'Firefighter'		57,555	149,432	57,555	–	–	–
Commissions	4	122,304	185,052	57,499	43,204	21,601	–
Administration	5	7,886,597	9,088,287	7,423,749	255,645	52,685	154,518
Depreciation and Loss on Disposal of Fixed Assets and Investments	1b	606,190	858,958	538,534	51,710	8,012	7,934
Transfer of Funds		–	–	120,065	–	–	(120,065)
		<u>10,904,611</u>	<u>12,433,899</u>	<u>9,617,415</u>	<u>1,106,058</u>	<u>138,751</u>	<u>42,387</u>
(Deficit) / surplus for the year		(358,152)	(1,796,711)	(835,230)	373,466	102,632	980
Surplus brought forward		6,878,894	8,675,605	2,060,874	3,588,489	555,275	674,256
Surplus carried forward		<u>6,520,742</u>	<u>6,878,894</u>	<u>1,225,644</u>	<u>3,961,955</u>	<u>657,907</u>	<u>675,236</u>

Consolidated Balance Sheet
As At 31 December 2003

	Note	2003 £	2003 £	2002 £	2002 £
Fixed Assets	6		2,696,724		2,674,001
Investments	7		2,269,647		2,654,857
Current Assets					
Stock		20,000		35,000	
Debtors and Prepayments		1,339,663		1,187,306	
Deposits with Solicitors		759,781		704,869	
Cash at Bank and in Hand and with Stockbrokers		713,890		478,548	
		<u>2,833,334</u>		<u>2,405,723</u>	
Less Current Liabilities		<u>1,278,963</u>		<u>855,687</u>	
Net Current Assets			1,554,371		1,550,036
Total Assets			<u>6,520,742</u>		<u>6,878,894</u>
Financed By					
Total Funds			<u>6,520,742</u>		<u>6,878,894</u>



A. GILCHRIST – GENERAL SECRETARY



R. WINTERS – PRESIDENT

Cash Flow Statement

For The Year Ended 31 December 2003

	2003 £	2002 £
Reconciliation of Operating Results to		
Net Cash (Outflow) / Inflow from Operating Activities		
General Fund (Deficit)	(835,230)	(2,271,068)
Accident and Injury Fund Surplus	373,466	312,424
Political Fund Surplus	102,632	63,185
Officials' Pension Fund Surplus	980	98,748
Depreciation Charges and Loss on Disposal of Fixed Assets and Investments	606,190	858,958
Decrease in Stock	15,000	–
(Increase) / Decrease in Debtors	(152,357)	13,174
Increase in Creditors	423,276	353,480
Net Cash Inflow / (Outflow) from Operating Activities	533,957	(571,099)
Cash Flow Statement		
Net Cash Inflow / (Outflow) from Operating Activities	533,957	(571,099)
Purchase of Fixed Assets	(602,792)	(1,290,751)
Sale of Fixed Assets	71,230	75,384
Purchase of Investments	(165,312)	(467,071)
Sale of Investments	453,171	665,339
	290,254	(1,588,198)
Reconciliation of Net Cash Flow to Movement in Cash		
Increase / (Decrease) in Cash in the year	290,254	(1,588,198)
Net Cash as at 1 January 2003	1,183,417	2,771,615
Net Cash as at 31 December 2003	1,473,671	1,183,417

Notes To the Accounts

For The Year Ended 31 December 2003

1 Accounting Policies

- a) Contributions include those amounts collectable from members in respect of the year under review.
- b) Depreciation has been provided on fixed assets at rates sufficient to write them off over their estimated useful lives as follows:

Buildings	2.5% per annum
Computer Equipment	25% per annum
Fixtures and Fittings	10% or 20% per annum
Motor Vehicles	25% per annum

2 Benefits

	2003 £	2002 £
Legal Fees	555,897	530,532
Education	66,664	264,677
Accidents and Injury Claims	755,499	723,104
Payments for Support	127,278	–
	1,505,338	1,518,313

3 Conferences

Conferences and Meetings	525,873	438,219
Foreign Delegates	–	3,574
	525,873	441,793

4 Commissions

Local Authorities	122,304	123,411
Membership	–	61,641
	122,304	185,052

Notes To the Accounts

For The Year Ended 31 December 2003

5 Administration

	2003 £	2002 £
Salaries, National Insurance and Pension Contributions	1,322,229	1,215,970
Honoraria	26,188	85,146
Travelling	1,066,283	1,553,291
Hotels and Subsistence	1,052,591	1,054,664
Motor Expenses	543,164	274,759
Other Organising Expenses	639,334	483,342
Reports, Journals and Subscriptions	102,653	52,812
Ballot Expenses	46,090	73,611
Donations	121,548	114,802
Goods for Resale and Presentations	33,285	40,713
Repairs and Renewals	174,764	87,494
Office Expenses	331,041	494,599
Communications	900,076	976,885
Printing and Stationery	828,078	911,835
Advertising	94,184	111,471
Insurance	44,111	49,787
Bank Charges	26,349	28,148
Audit and Accountancy	21,313	21,143
Professional Fees	466,756	420,277
Campaigning	46,560	1,037,538
	7,886,597	9,088,287

Notes To the Accounts

For The Year Ended 31 December 2003

6 Fixed Assets

	Land & Buildings £	Fixtures Fittings & Equipment £	Motor Vehicles £	Total £
Cost				
1 January 2003	1,907,239	2,060,980	156,787	4,125,006
Additions	381,875	201,882	19,035	602,792
Disposals	(65,000)	(304,242)	–	(369,242)
31 December 2003	2,224,114	1,958,620	175,822	4,358,556
Depreciation				
1 January 2003	425,840	984,265	40,900	1,451,005
Charged	43,600	441,264	43,955	528,819
Disposals	(13,750)	(304,242)	–	(317,992)
31 December 2003	455,690	1,121,287	84,855	1,661,832
Net Book Value				
31 December 2003	1,768,424	837,333	90,967	2,696,724
Net Book Value				
31 December 2002	1,481,399	1,076,715	115,887	2,674,001

7 Investments at cost

	2003 £	2002 £
Quoted Equities and Unit Trusts		
Newton Investment Management Ltd – Market Value – £727,666 (2003), £850,131 (2002)	827,975	1,130,013
Newton Investment Management Ltd – Market Value – £259,648 (2003), £229,420 (2002)	302,279	310,011
Unquoted Equities		
240,000 Unity Trust plc Ordinary Shares	240,000	240,000
Labour Education, Rec. And Holiday Homes Ltd.	530	530
Loans - Co-op Societies		
CRS London Ltd.	35	35
Peoples Press Printing Society Ltd.	14,500	14,500
Loans		
Merseyside Trade Union Centre	10,000	10,000
Scottish TUC	3,000	3,000
Mortgages		
	871,328	946,768
	2,269,647	2,654,857

Notes To the Accounts

For The Year Ended 31 December 2003

8 Pension Scheme Contributions

The union operates two defined benefit schemes in the United Kingdom, the first in respect of national officials and the second for clerical staff. A full actuarial valuation on the first scheme was carried out on 1 November 2002 and 1 July 2002 by qualified independent actuaries. Both of these have been updated to 31 December 2003. Contributions during the year totalled £232,174 (2002 - £212,399). This represents 34% (1 January 2003 - 31 October 2003) and 71% (1 November 2003 - 31 December 2003) of pensionable pay in respect of national officials' and 27.2% (1 January 2003 - 30 June 2003) and 38.1% (1 July 2003 - 31 December 2003) for clerical staff. The trustees of the respective schemes have agreed with the Employer that these rates will remain in force subject to actuarial reviews.

The major assumptions used by the actuaries were as follows:

	National Officials' Scheme 2003	National Officials' Scheme 2002	Clerical Staff Scheme 2003	Clerical Staff Scheme 2002
Rate of increase in salaries	4.90%	4.40%	4.30%	3.50%
Rate of increase of pensions in payment	2.90%	2.40%	2.80%	2.30%
Discount Rate	5.40%	5.40%	5.40%	5.50%
Inflation Rate	2.90%	2.40%	2.80%	2.30%

The assets in the scheme at 31 December 2003 were:

	£	£	£	£
Cash Accumulation Policy	—	—	769,000	1,011,000
With Profits Policy	1,421,000	1,148,000	—	—
Secured Annuities	2,298,000	2,258,000	827,000	455,000
Total Market Value of Assets	3,719,000	3,406,000	1,596,000	1,466,000
Present Value of Scheme Liabilities	3,477,000	3,077,000	2,392,000	1,826,000
Surplus (Deficit) in the scheme	242,000	329,000	(796,000)	(360,000)

Notes To the Accounts

For The Year Ended 31 December 2003

8 Pension Scheme Contributions (continued)

	2003 £	2002 £
Total operating charge		
Current service cost	(218,000)	(219,000)
Past service cost	—	—
Settlements	—	—
Curtailments	—	—
	(218,000)	(219,000)
Contributions	368,000	212,000
Finance income		
Expected return on pension scheme assets at 1 January 2003	298,000	307,000
Expected increase in scheme liabilities in year	(272,000)	(265,000)
	26,000	42,000
Actuarial loss		
Difference between actual and expected investment returns (3.50% of scheme assets)	(185,000)	(184,000)
Difference between actual and expected charges in liabilities (2.51% of scheme liabilities)	148,000	61,000
Change in actuarial assumptions (11.23% of scheme liabilities)	(662,000)	(139,000)
	(699,000)	(262,000)
Decrease in surplus in year	(523,000)	(227,000)

Notes To the Accounts

For The Year Ended 31 December 2003

9 Taxation

The union is not liable to tax on income from its members. Taxation is payable to the extent that investment income and capital gains exceed allowable provident benefits.

Analysis of Officials' Salaries and Benefits

For The Year Ended 31 December 2003

Salaries

Name	Office Held	Gross Salary £	Equivalent Rank
Andy Gilchrist	General Secretary	54,984	Senior D.O.
Mike Fordham	Assistant General Secretary	50,917	D.O.I
Mike Lawson	National Officer	47,803	D.O.II
Dave Patton	National Officer	47,803	D.O.II
Geoff Ellis	National Officer	47,803	D.O.II
John McGhee	National Officer	47,803	D.O.II

Note: All National Officials' salaries are in line with Fire Service ranks, endorsed by Annual Conference.

Benefits

Name	Office Held	Employer's N.I. Cons. £	Employer's Pension Cons. £	Benefits In Kind £
Andy Gilchrist	General Secretary	6,275	21,480	12,399
Mike Fordham	Assistant General Secretary	5,767	19,891	5,056
Mike Lawson	National Officer	5,379	18,675	13,402
Dave Patton	National Officer	5,379	18,675	11,120
Geoff Ellis	National Officer	5,379	18,675	13,692
John McGhee	National Officer	5,379	18,675	19,967

Note: All National Officials pay a pension contribution of the amount specified in the Firefighters' Pension Scheme of 11% and receive a pension comparable to equivalent Officers of the Fire Service.

Members of the Executive Council

Benefits

Name	Office Held	Honoraria Salary	Car Allowance	Car & Fuel Benefit	Car Maintenance Allowance
		£	£	£	£
R. Winters	President	1,200	–	4,915	–
P. Micallef	EC and Vice President	–	4,500	–	1,200
B. Joyce	EC and National Treasurer (to 30/05/03)	–	4,500	–	1,200
D. Whatton	EC and National Treasurer (from 01/06/03)	–	4,500	–	1,200

The following Executive Council members were paid a car maintenance allowance at the rate of £1,200 per annum and a car allowance at the rate of £4,500 per annum:

J. Barbour	S. Paine
J. Ford	M. Shaw
A. McLean	P. Skinley
J. McDonald	M. Smith
M. Nicholas	E. Thornton
D. Green	V. Knight
J. Leighton	M. Butterfield
K. Handscomb	V. Salmon

Note: The Union made reimbursement to local Authorities of £380,191 in respect of Loss of Pay in connection with Trade Union duties by certain Executive Council Members and Regional Officials.

“ A member who is concerned that some irregularity may be occurring, or has occurred, in the conduct of the financial affairs of the union may take steps with a view to investigating further, obtaining clarification and, if necessary, securing regularisation of that conduct.

The member may raise any such concern with such one or more of the following as it seems appropriate to raise it with: the officials of the union, the trustees of the property of the union, the auditor or auditors’ of the union, the Certification Officer (who is an independent officer appointed by the Secretary of State) and the police.

Where a member believes that the financial affairs of the union have been conducted in breach of the law or in breach of rules of the union and contemplates bringing civil proceedings against the union or responsible officials or trustees, he should consider obtaining independent legal advice.”

Section

Obituary

133 Obituary 2002/2003

ABEL Ian Terry	IOW	MACDONALD Murdo Angus	Highland & Islands
BERRY Eric	Somerset	McCLOSKEY Joseph	N.I.
BHALLA Ricky	W. Midlands	MCSHANE Thomas	Strathclyde
BOUGHEY Christopher Frank	Cheshire	MILROY Graham John	London
BROWN Phillip Stewart	Nottinghamshire	MILLER Robert John	Leicester
BULL Philip Paul	London	MILROY Graham John	London
CLINTON Andrew Edmund	W. Midlands	MINIKIN William	Tyne & Wear
DAVIDSON Alister Ian	Strathclyde	MOSS Stuart Thomas	Staffs
DE SAUSMAREZ Matthew Peter	London	MURDOCH William	Lothian & Borders
DUNN Barry Lewis	London	MURPHY Martin Gerald	Leicestershire
EVANS Elwyn Brindley John	Staffs	PHILLIPS Gary	Gloucestershire
FLETCHER Neil James	S. Yorkshire	PININGTON Andrew Rex	GMC
FLETCHER Nigel Paul	Kent	RICHARDSON Frederick	London
FORBES Robert David	N. Yorkshire	ROBERTS Martin Edward	M&W WALES
GORMLEY Gerry Bernard	N.I.	ROGERS Thomas Edgar	E. Sussex
GRANNON Andrew	Humberside	RUSSELL Graham Alfred	London
HAYWOOD Glyn Paul	S. Yorkshire	SCURRAH David	W. Yorkshire
HENDERSON Mark Cameron	Central	SIDWELL John Walter	W. Midlands
HUGHES Graham	GMC	SKEELS Malcolm	W. Yorkshire
JOHNSON Philip	GMC	SLATER Ian	Tyne & Wear
KELLY David	GMC	SMITH Raymond Leslie	London
KNOWLES Stephen Richard	London	THORP Thomas Malcolm	Buckinghamshire
LANE Kenneth Alan	Northamptonshire	TIERNEY Ryan	N.I.
		TRAVIS Anthony Edward	Essex
		WATT John	Strathclyde
		WELBURN Andrew Charles	Humberside
		WILLIS Richard	London
		WISDOM Andrew Leslie	W. Midlands
		WOOD Joseph Michael	GMC





Section

Index

Index

Section A – NATIONAL JOINT COUNCIL

	Para	Page(s)
Introduction	1	2 - 3
National Pay Campaign	2	3 - 11
Pay and Conditions Agreement 2003	3	11 - 23
Control Staff – Job Evaluation	4	23 - 24
Allowances	5	24
Allowances – Car	6	24
Devon Dispute – Independent Mediation	7	25 - 26
Hampshire Dispute – ACAS Report	8	27
Independent Medical Referee Procedure	9	27 - 28
IPDS	10	28
Leave – Accrued While on Suspension	11	28
Leave – Sick Pay	12	28 - 29
Leave on Termination of Employment	13	29
Leave on Termination of Employment – Retained	14	29
LGPS Return to Work Agreement	15	29 - 30
NJC Constitution – Review	16	30
Public Holiday Entitlement	17	30
Return to Work Agreement	18	30 - 31
Sick Pay Agreement – Use of Discretion	19	31

Section B – OFFICE OF THE DEPUTY PRIME MINISTER

Introduction	20	32
Arson Control Forum	21	32 - 33
Asbestos	22	33 - 40
Corporate Killing	23	41
Cost of Fire Sub Group	24	42
EOTG	25	42
Fire Cover Review	26	42 - 44
Fire Safety – Research	27	44
Fire Safety Advisory Board	28	44 - 49
FSAB and BRAC	29	49 - 50
Fire Service College	30	50 - 51
Fire Service College Health and Safety	31	51 - 52
Fire Service Examination Board	32	52
Firefighting at Sea	33	52
FSAB Scotland	34	52 - 53
HSW Committee	35	53
HSW Law – European Complaint	36	53 - 57
Mass Decontamination	37	57
New Dimension	38	57
ODPM Working Group	39	57
Point of Entry Selection Tests	40	58
Radiation Hazards Working Group	41	58
Revitalising Health and Safety	42	58 - 59
Section 19 Applications	43	60
Section 19 Repeal	44	61
Statistics User Group	45	61
Stress Survey	46	61 - 64
Urban Search and Rescue	47	64
Water Working Group	48	64 - 66
White Paper – Report	49	66 - 70
White Paper – FBU Evidence	50	70 - 71
Working Time Regulations	51	71 - 74

Index

	Para	Page(s)
Section C – TRADE UNION AND LABOUR MOVEMENT		
Affiliations	52	76 - 77
Institute of Employment Rights	53	77
International	54	77
Labour Government	55	77
Labour Party Conference 2002	56	77
Labour Party Conference 2003	57	78
National Trade Union and Labour Party Liaison Committee (TULO)	58	78
Scottish Labour Party Conference 2002	59	78
Scottish Trade Union Congress 2002	60	79
Scottish Labour Party Conference 2003	61	79
Scottish Trade Union Congress 2003	62	79
Trades Union Congress 2002	63	79 - 80
Trades Union Congress 2003	64	81
TUC Black Workers Conference 2002	65	82
TUC Black Workers Conference 2003	66	82
TUC Lesbian and Gay Conference 2002	67	82 - 83
TUC Lesbian and Gay Conference 2003	68	83
Wales Labour Party Conference 2002	69	84
Wales Labour Party Conference 2003	70	84
Wales TUC Conference 2002	71	84
Wales TUC Conference 2003	72	84
Women's TUC Conference 2002	73	85
Women's TUC Conference 2003	74	85 - 86
Section D – PENSIONS		
Pensions	75	88 - 96
Section E – ACCIDENT AND INJURY FUND		
Accident and Injury Fund	76	98 - 100
Section F – LEGAL		
Legal Report	77	102 - 109

Index

Section G – INTERNAL ADMINISTRATION

	Para	Page(s)
Cleveland Control Dispute	78	110
Somerset Dispute	79	110
West Sussex Dispute	80	110 - 111
Wiltshire Control Dispute	81	111
B&EMM Report	82	111 - 113
B&EMM AGM 2003	83	113 - 114
Confidential Help Line	84	114
Control Staff National Committee Report	85	114
Control Staff Members AGM	86	115
Diaries	87	115
EC Attendance Record 2002	88	115 - 116
EC Attendance Record 2003	89	116
Elections	90	116 - 119
Executive Council Meetings 2002	91	120
Executive Council Meetings 2003	92	120
Final Appeals Committee	93	121
Fairness At Work	94	121
FBU Website	95	122
Firefighter	96	122
Firefighter Memorial Charitable Trust	97	122
Gay and Lesbian National Committee Report	98	122 - 124
Gay and Lesbian Members AGM 2002	99	124 - 125
Gay and Lesbian Members AGM 2003	100	125 - 126
IT	101	126
Membership Services	102	126
National Sectional Committees	103	127 - 128
Retained National Committee Report	104	128 - 131
Retained Members AGM	105	131 - 132
Officers National Committee Report	106	132 - 133
Officer Members AGM	107	133 - 134
Political Fund	108	134
RAFT	109	134
Regional Offices and Officials	110	135 - 139
Retired Officials	111	140
Retired Head Office Staff	112	140
Statistical Statement	113	141 - 142
Terry Parry Memorial	114	143
Union Trustees	115	143
Women's National Committee Report	116	143 - 144
Women Members AGM	117	144 - 145

Index**Section H – EDUCATION**

	Para	Page(s)
Introduction	118	146
B&EMM Annual School 2003	119	146 - 147
Branch Officials Schools	120	147
Gay & Lesbian Annual Schools	121	147 - 148
IRMP Training Seminars	122	148
National Education Grants	123	148
National School	124	149
TUC Day Release and Extended Course	125	149
Tutors	126	149
Union Learning Funds	127	149
Women's National Schools	128	150 - 151
WEA/ILO Study Days	129	151

Section I – FINANCIAL ACCOUNTS 2002

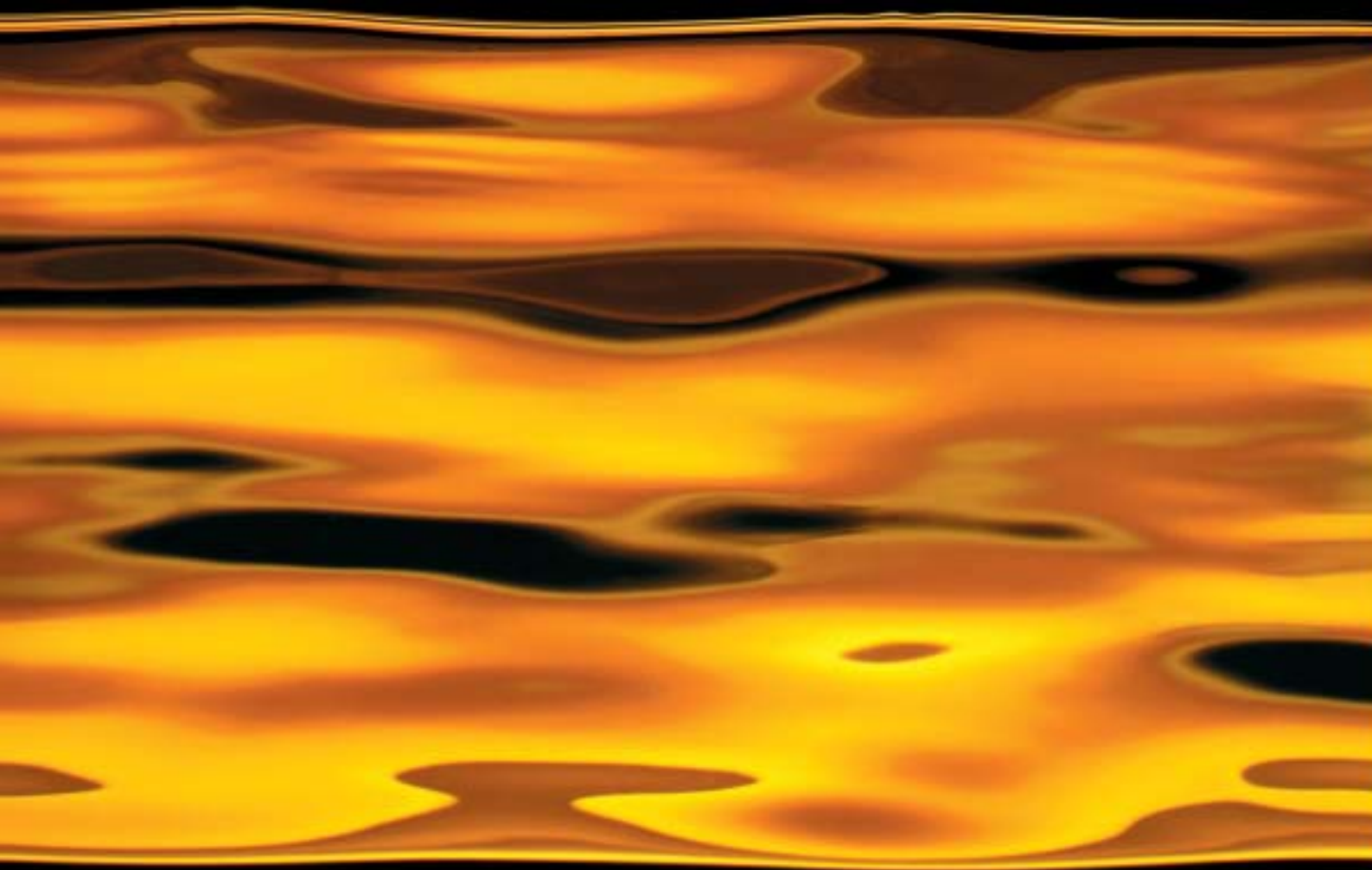
Financial Statement	130	152-163
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Section J – FINANCIAL ACCOUNTS 2003

Foreword	131	164
Financial Statement	132	165 - 175

Section K – OBITUARY

Obituary	133	176
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The Fire Brigades Union, Bradley House, 68 Coombe Road, Kingston upon Thames, Surrey KT2 7AE