

## Operational Cover

by David Wright

# The thin end of the wedge?

As local disputes continue to arise, and media speculation mounts over fire cover in the event of strike action, *FIRE* looks at the options available and the political consequences of pursuing these actions



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## AS THE COLD WAR PHASE

of the 2003 dispute and its consequences fester, tension continues to manifest itself in a rash of actual or threatened disputes over major and seemingly insignificant issues. With the UK armed forces stretched to breaking point and beyond – the drop off in recruitment since the Iraq war will lead to a military shortfall of nearly 30,000 – what options are left for fire and rescue authorities to fill the gap during disputes?

Reliance on the retained duty system staff to provide cover, while adequate in some instances, will not be likely to be sustainable nationwide. And waiting in the background are arguments about the settlement of the firefighters' long service increment and the potential conflict approaching over the 2007 pay formula. One of the ideas currently being mooted is the employment of private companies or overseas fire and rescue services to provide cover during disputes. But is this a realistic proposition and what are the consequences likely to be?

The Civil Contingencies Act 2004 places a duty upon Category 1 responders – including the FRAs – to make provision for maintaining critical services during periods of crises and civil emergencies including industrial action. Traditionally, during most recent disputes this critical cover was provided by the armed forces. The 19,000 or so service personnel that provided cover during the 2002/3 dispute had shrunk by over 7,500 by the time of the industrial dispute hiccup of late summer 2004. Since the escalation of the Iraq war and increased engagement in Afghanistan, the capacity of the military to undertake contingency activities has diminished and in any event could not be or ever has been guaranteed under current arrangements for assisting the civil authorities.

## Private Brigades

As was originally discussed by the government and private security companies in 2004, there are indications that consideration is being given to the feasibility of using private contractors (such as Group 4) or even fire and rescue services from other countries. There is a case to say that privatisation has already started as the government decontamination service (GDS) will be using private contractors to clean up after a chemical, radiological, nuclear or biological (CBRN) event –

The use of firefighters from other services on overtime has been examined and rejected as a long term solution given the strength of solidarity on the part of the Fire Brigades Union (FBU). Using non FBU members of the service including the Retained Duty System personnel is likely to escalate any local dispute into one of national proportions – so no joy there. Assuming no one inside the UK industry will participate the next port of call will be the use of private companies.

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terrorist or otherwise.

The alternative view is that the GDS has the capability of providing a resource that the Fire and Rescue Service never truly was able to offer. Emergency phase decontamination and containment would never meet the needs imposed by a large scale event despite the expectations and wishful thinking of governments over the last 50 years.

Having outsourced the easy bit, what happens if no one is around to do the day job – the “ordinary” demands placed upon the Service? Who now can fit the bill? Short of using the reserve powers available within part 2 of the CCA, providing cover will be a taxing exercise. Even for the smaller single service dispute there are problems with using other organisations to do so.

## High Cost of Cover

Politically, the use of a private organisation is very attractive. Firefighters walk out and are replaced by private companies. When the dispute ends they are paid off and leave and remain on standby as insurance against future threats. But like any other form of insurance there are two ways to pay – up front or post event.

Keeping large organisations on a retainer in case of dispute can be costly and add to already tightening budgets. Post event payments are unlikely to be less than the cost of providing fire cover through normal means. So there is the question about what can be afforded. With many services agreeing a contract with the public of a response by a fire engine within a certain time

frame, scope for manoeuvre is limited unless there is an appeal to the “Dunkirk Spirit” of the community to accept a greater risk. All well and good but what happens when a large property loss occurs? One that the lawyers and insurers will sort out in several years time.

With regard to the replacement firefighters, where will they come from? Given the format of current strike activity – short 8-15 hour walkouts, last minute cancellations and a few days back at negotiations – organising strike cover would be a nightmare unless the option of lock out was used and a standoff begun. Ex firefighters have shown a reluctance to engage in strike breaking against former colleagues. Most industries have run their fire teams down to lean versions of their former selves and have little spare capacity.

## Capabilities of Replacement Firefighters

What will be the capabilities of the replacement firefighters? No private company is likely to have the ability to train the quantity of staff to the standards of the striking firefighters – two years and continuation training – within a commercially tight budget or to train new staff within a short time span.

So the response expectations will be lower as the appliances and crews are more likely to be spread thinner. Given the wide range of incidents now attended and planned for there would be a justified case for private firefighters providing a limited role at some special services and CBRN/Hazmat responses. How will the HSE react to the view that in the event of national emergencies they are exempt from normal standards for a period? Unlikely and in the event of a firefighter death or serious injury, there will

be many in the wings pushing for a full enquiry and prosecution.

Apart from accidents, the HSE may have reservations about a private company taking over fire and rescue service equipment. Although this was planned for when the military were involved, any dispute is not likely to be played out to suit the timetable of a private company and it is difficult to see how familiarisation can be achieved without a sustained period of training. From the perspective of a commercial company, any pre-emptive training would be expected to be paid for by the customer eventually. There is however, the risk that the strike may be called off at the last minute.

Given the financial and legal risks facing a commercial undertaking providing strike cover, is it likely that any would take up such an opportunity? With the attendant bitterness that follows any trade dispute, compensation for the company and staff would need to be relatively high, perhaps too high for most undertakings.

At a political level, using such a vehicle to manage a local dispute would inflame the issue, possibly having national implications which private companies could not cover. Of course, any company prepared to take on this role could be gambling on the future of the UK Fire and Rescue Service becoming privatised to a greater or lesser degree. With a regional or national control centre, administration of a service is no longer tied to any geographical or local government structure; call and dispatch being a functional activity remote and independent. Food for thought, maybe.

## Overseas Cover

Wider afield, speculation about the use of brigades from overseas has

been growing. FALCK, the Danish charitable organisation that provides fire and ambulance cover mainly in the non urbanised environment, has been identified as an organisation that could be used in the event of a strike. Again many of the issues are very similar and there is the issue with the language differences.

With the Prime Minister, writing in *The Guardian* in June: ‘We need to be more ambitious and radical’ and suggesting that more use be made of ‘greater diversity of provision [of services]’, perhaps the speculation about the use of private or foreign organisations to disrupt industrial disputes may be nearer the mark than previously thought. This is however, a debate that has only just started to gather steam with 14 unions (including the FBU) and 80 MPs joining forces in the ‘Public Service not for Profit’ campaign, led by John McDonnell MP. Any move for using either private or overseas services to cover strikes may be a step too far at the moment.

In any event, the government still has one ace up its sleeve – the emergency powers within part two of the CCA could permit the passing of legislation making any strike illegal. The problem with this approach is that it is hitherto untried tool and no-one can predict what will happen if that decision is made.

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